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# Triggering Terror

Illicit Gun Markets  
and Firearms Acquisition  
of Terrorist Networks  
in Europe

EDITED BY  
NILS DUQUET





## **Triggering Terror**

Illicit Gun Markets and Firearms  
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in Europe



# Triggering Terror

## Illicit Gun Markets and Firearms Acquisition of Terrorist Networks in Europe

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## Colophon

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Project SAFTE is an international research project funded by the European Commission.

SAFTE stands for 'Studying the Acquisition of illicit Firearms by Terrorists in Europe'.

The research was conducted by an international network of firearms experts.

**Project coordination:** Flemish Peace Institute

**Project partners:** SIPRI and Scuola Universitaria Superiore Sant'Anna.

### **Country study teams:**

- Flemish Peace Institute
- SIPRI
- Scuola Universitaria Superiore Sant'Anna.
- Arquebus Solutions
- Bureau Bruinsma
- Small Arms Survey

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## INTRODUCTION

In recent years there has been growing policy attention for illicit firearms markets in Europe. Yet, in-depth research into the scale of the problem as well as the specific characteristics and dynamics of these markets is lacking for most EU member states. This is part of larger problem where firearms and gun violence in the European context have traditionally received scant research attention. To illustrate this, in 2012 Greene and Marsh found that, between 1999 and 2009, 665 Web of Science articles had been written on firearms and violence. Two thirds of these articles, however, covered the situation in the United States (US), and were written primarily by authors based in the US.<sup>1</sup> In contrast, research on the situation in Europe continues to be rather sparse. One of the reasons for this difference is that levels of gun crime and gun deaths in Europe are relatively low. A recent study demonstrated that, in the EU, on an annual basis an average of 1,000 homicides are committed with a firearm.<sup>2</sup> As such, firearms-related homicides in Europe are among the lowest in the world.<sup>3</sup> In addition, large-scale illicit firearms trafficking is quite exceptional in the EU and the illicit firearms market is considered to be modest in size.

Nevertheless, the lack of a sound understanding of illicit firearms markets in Europe is not only an epistemological problem. It has obvious and far-reaching policy implications. Specifically, it hampers attempts to develop and implement a comprehensive regulatory and operational approach to combat illicit firearms markets and terrorist access to these markets. The EU has repeatedly stated that building a better intelligence picture on this multifaceted security phenomenon is urgently needed. Recent terrorist attacks involving firearms in Europe significantly boosted the sense of urgency. Both at national and EU levels various legislative and policy initiatives have been undertaken to reinforce the fight against illicit firearms trafficking in general, and to prevent terrorist firearms acquisition in particular. Yet, due to the lack of sound research, these initiatives have often been based on a case-bound, partial or even completely lacking, meaningful intelligence pictures.

A mature research community could contribute significantly to the intelligence picture of illicit firearms trafficking that is being developed by national law enforcement agencies and Europol. Yet, a European research community focused on illicit firearms trafficking and gun violence in Europe is currently still germinal. In their extensive literature review Greene and Marsh identified two distinct research

communities working on firearms-related topics. These communities differ with regard to their research questions, methodology, means of publication and geography. The first research community is mainly concerned with domestic gun control and the causality between firearms availability on the one hand and violent death rates and armed violence on the other hand. This community principally involves scholars based in the US, who publish their mainly quantitative studies in academic journals. The second research community covers a more diffuse range of topics, but mainly focuses on linkages between arms flows and armed violence. While the members of this second research community are frequently based in Europe, their research focus is traditionally not on European societies but instead on developing countries.<sup>4</sup> Research on the nature of illicit firearms trafficking and gun violence in Europe or on the linkages between firearms availability, gun control initiatives and the dynamics of armed violence are generally limited. In some European countries, for example the United Kingdom<sup>5</sup> (UK) or the Netherlands<sup>6</sup>, several in-depth studies have been undertaken since the early 2000s. But *“the scanty research efforts made in this field by epidemiologists, criminologists and legal scholars remain fragmented, and suffer from the fact that there is no integrated scholarly community dealing with gun-related issues. Language barriers, moreover, often prevent the wider dissemination of research results”*.<sup>7</sup> In addition to these national studies, often commissioned by national authorities, a number of EU-wide studies have been published in recent years.<sup>8</sup> An important driver for these recent EU-wide studies has been the European Commission, which funded several large-scale projects studying different aspects of illicit firearms trafficking and gun violence. These studies, however did not focus on the firearms acquisition dynamics of terrorists in the EU. A recent EU study, for example, noted that *“Little research has been conducted to determine how and why European terrorists access certain types of weapons”*.<sup>9</sup>

Project SAFTE, an international research project funded by the European Commission, has addressed this knowledge gap by improving the intelligence picture on illicit gun markets across the EU and throwing light on, in particular, on terrorist access to these markets. To map this phenomenon a group of experts on international firearms trafficking have undertaken several in-depth studies on the characteristics and dynamics of illicit firearms markets in different parts of Europe, the firearms acquisition patterns of different types of terrorists across the EU and the policy that has been developed to combat these security phenomena. In concreto, eight country study were conducted in Belgium, Croatia, Denmark, France, Italy, the Netherlands, Romania and the UK. For these country studies the different research teams, coordinated by the Flemish Peace Institute, used a variety of sources and research methodologies. Yet, given the lack of reliable and detailed official data in most EU member states, the research design of the different country teams

mainly relied on in-depth interviews with key national actors involved in the combat against illicit firearms trafficking or terrorism.

During the initial phase of the research, it became clear that the phenomena under consideration could not be adequately understood without a sounder understanding of what happened in Europe's wider neighbourhood. Therefore, in addition to the eight country studies, an assessment was made of the illicit possession and proliferation of firearms in the wider EU neighbourhood in order to address the significant nexus between the EU's internal and external security dimensions in terms of illicit firearms trafficking.

### Overview of the chapters

The research conducted within the framework of Project SAFTE resulted in two separate publications: a policy report and a comprehensive research volume. The policy report<sup>10</sup> contains the systematic and comparative analysis of the main findings of the different country and neighbourhood studies, whereas this research volume contains all eight in-depth country studies and two neighbourhood studies as separate chapters. This allows the reader to gain profounder and more detailed insight into the research findings of Project SAFTE.

The first chapter of this book examines the illicit gun market in **Belgium**, a country often labelled as one of Europe's hotspots for illicit firearms trade. In this chapter Nils Duquet and Kevin Goris argue that the illicit gun market in Belgium is largely driven by criminal demand, especially from drugs criminals, armed robbers and organized motorcycle gangs. In recent years an increase in converted blank firing weapons and reactivated firearms has been observed. The availability of these weapons eroded the traditional closed character of this market. This made it easier for both lower-ranking criminals and terrorists with criminal connections to acquire firearms. The authors warn that current heightened prioritisation of terrorism in Belgium has become a double-edged sword in the fight against illicit firearms trafficking: while it has increased policy attention for this security phenomenon, it has also brought about a (temporary) displacement of people and resources towards preventing and investigating terrorism. Duquet and Goris conclude that Belgian law enforcement services all too often treat terrorism and illicit firearms trafficking as two distinct problems. They strongly recommend better information sharing and the development of joint actions between and within the law enforcement services that combat these interconnected security phenomena.

In the second chapter Filip Dragović, Paul James, Krešimir Mamić and Robert Mikac analyse the illicit firearms market in **Croatia**. Despite large number of weapons



handed in during voluntary surrender programmes, the current illicit firearms market in Croatia is still largely based on the significant presence of weapons left over from the Yugoslav wars in the 1990s, including large quantities of military-grade firearms. A great number of these legacy weapons ended up in the hands of civilians. The authors note that alongside these legacy weapons, firearms have also entered the illicit market through illicit production and thefts. Small storage facilities at police stations and lower-level military units in particular, remain prone to theft. Interestingly, the authors argue that, despite the widespread illegal firearms possession in the country, Croatia is not characterised by a very active illicit firearms market because many of the illegal gun owners prefer to retain their firearms. They conclude that research on the Croatian illicit firearms market is still limited and stress the need for more cooperation between law enforcement agencies, judicial bodies, the private sector and the research community to improve the current intelligence picture and enhance the combat against illicit firearms trafficking.

In the third chapter of this book Lina Grip demonstrates that the illicit gun market in **Denmark** is fragmented and supply-driven. Criminal gangs, both organised motorcycle gangs as well as less organised urban street gangs, are the main customers on the illicit firearms market in Denmark. Violent conflicts between such groups are responsible for most of the public shootings in the country. A majority of firearms on this market are locally sourced, especially through thefts of old unregistered firearms. Grip warns that shooting clubs are commonly being used by criminals to practice their shooting skills and as a target for thefts. She also stresses the role played by gun enthusiasts, without violent or criminal intentions, who act outside of the law and this way may feed the illicit market. Not surprisingly, the firearms used in recent terrorist attacks in Denmark were acquired through thefts. While Danish policy to combat illicit firearms possession has been primarily focused on deterring the use of firearms by criminal gangs, Grip concludes that more can be done to integrate firearms-specific initiatives into programmes to prevent violent extremism.

In the fourth chapter Nicolas Florquin and André Desmarais present a detailed analysis of the characteristics of the illicit firearms market in **France** and the firearms possessed and used by different terrorist groups in recent years. They argue that France has a sizeable and growing pool of illicit firearms as a result of a historic tolerance towards unregistered rifles and shotguns, and because of cross-border smuggling of firearms in recent decades. This chapter demonstrates that the firearms on the French illicit market originate from a wide variety of sources and that terrorist groups have used a wide range of procurement methods to access firearms. Florquin and Desmarais demonstrate that different types of terrorist groups and networks are characterised by different firearms acquisition patterns. While jihadi

terrorist networks have used their, mainly low-level, criminal connections to procure firearms, a terrorist group like ETA, for example, has instead relied heavily on targeted thefts. Tracing firearms often proves very difficult, but the authors stress the merits of doing so. The tracing of the reactivated rifles used in recent terrorist attacks, for example, has been a crucial step in building momentum to politically address the problem of easy-to-reactivate weapons from Slovakia.

The illicit firearms market in **Italy** and terrorist access to this market is the focus of the fifth chapter. Francesco Strazzari and Francesca Zampagni note that the Italian market has mainly been supplied with a wide variety of firearms from the Western Balkans since the 1990s, but that organised crime groups have also relied on firearms thefts and the reactivation of firearms. The authors stress that terrorist access to this market is rather difficult because the supply channels are tightly controlled by Italian organised criminal groups, who believe that it is not in their best interest to sell firearms to terrorist networks.

In the sixth chapter Monique Bruinsma and Toine Spapens provide an overview of the main features of the illicit firearms market in **the Netherlands** as well as an in-depth analysis of terrorist access to this market and Dutch policies that have been developed to tackle this access. This chapter demonstrates the increased availability and criminal use of military-grade assault rifles in the country in recent years. This has partly been a result of trafficking of easy-to-reactivate firearms from Slovakia. Not only criminals, but also terrorists have been able to access the illicit firearms market in the Netherlands. In recent years the Dutch police have arrested at least fifteen terror suspects for the illegal possession or (attempted) acquisition of firearms. An in-depth analysis indicates that a broad range of firearms have been seized in these cases and demonstrates a firearms acquisition pattern for terrorists in which (usually pre-existing) criminal connections are crucial.

The seventh chapter contains the first ever in-depth study on the illicit firearms market in **Romania**. Roxana Albisteanu, Alexandru Dena and Matthew Lewis note that researching this topic in Romania is hindered by the lack of uniform data collection and registration procedures on illicit firearms possession or use by the different law enforcement and other government agencies involved. Despite this caveat, the authors clearly demonstrate the detrimental effects of national legal loopholes on regional illicit firearms markets: the significant availability of easy-to-convert blank firing firearms in Romania is directly connected to the situation in Bulgaria, where these weapons can be bought legally for low prices and where controls can easily be bypassed. This has resulted in significant cross-border smuggling of these weapons into Romania where they are sold to Romanian criminals across the country and in various criminal contexts. While there are no known

recent cases of terrorist acquisition of firearms in the country, the authors warn that some of the firearms that are currently legally exported from Romania and EU member states to third countries might eventually end up on criminal markets in the EU, where they can be bought by local terrorists.

In the eighth chapter Paul Holtom, Paul James and Connor Patmore analyse terrorist access to the illicit firearms market in the **United Kingdom** (UK). The authors demonstrate that the combination of a restrictive legislative framework for legal firearms possession, a proactive operational ‘investigate the gun’-approach to combat illicit possession and use of firearms, and the use of tough prison sentences as a deterrent, has had a positive influence on the illicit firearms markets in the UK. The firearms that circulate in the UK’s criminal underground are therefore very often converted blank firing weapons and antique handguns rather than more heavy duty variants seen elsewhere. The recent cases of terrorist possession of firearms suggest that the access of jihadi and right-wing terrorists to the illicit firearms market is likewise quite restricted. These terrorists’ options are largely restricted to converted or antique firearms. They do not usually have access to the semi-automatic or automatic firearms that have been used in terrorist attacks in other parts of the EU. The findings of this chapter, however, indicate that the situation in Northern Ireland differs significantly, with Republican splinter groups having retained a wide range of legacy weapons from the ‘Troubles’, including different types of military-grade firearms, and continuing to use them in politically motivated attacks.

The illicit proliferation of firearms in **Northern Africa** is the focus of the ninth chapter of this book. Francesco Strazzari and Francesca Zampagni argue that in recent years illicit firearms possession has increased significantly in several Northern African countries as a direct result of the volatile political and security situation in the region. In particular the fall of the Libyan dictator Qaddafi in 2011 and the armed violence that has ravaged the country afterwards has significantly increased illicit arms trafficking. A vast regional black market in firearms has emerged which has reached various groups from the western Sahel to the Middle East. The authors conclude that while significant firearms trafficking from Northern Africa into the EU has not been detected so far, the absence of an effective and efficient firearms and ammunition management system in Northern Africa increases the risk of firearms diversion.

In the final chapter of this book Francesco Buscemi, Nils Duquet, Ekaterina Golovko and Eric Woods analyse the proliferation of firearms in conflict-affected **Ukraine**, where the number of illicitly-held firearms surpasses the number of legally held firearms. While several historical factors have contributed to high levels of illicit

firearms possession, the authors demonstrate that criminal activities and the recent episodes of armed violence in the country have significantly exacerbated opportunities for state stockpile captures and arms transfers to different non-state actors. While most of the firearms trafficking is currently contained within the state borders of Ukraine, the authors warn that there are signs that this will likely change when the armed conflict stabilizes and the internal demand for these weapons decreases.

### Goals of this volume

With this edited volume we hope to achieve three main goals. The first goal is to generate sounder and more comprehensive empirical knowledge about illicit firearms markets in Europe in general and terrorist access to these markets in particular. A good intelligence picture is crucial for the development of an effective and efficient policy and operational response to these security threats. Yet, such an in-depth intelligence picture is often lacking among national law enforcement agencies from many EU member states. All too often the intelligence picture these agencies have is case-bound, which hinders a profound understanding of the bigger picture and potential trends therein.

A profound understanding of illicit firearms markets is, moreover, vital for the development of effective and efficient legislative and operational approaches to combat these markets in general, and terrorist access to these markets in particular. This is our second goal. In addition to an in-depth analysis of the illicit firearms market and terrorist access to these markets in EU member states, each book chapter therefore includes a detailed description of the national regulatory and operational framework to combat firearms trafficking and prevent firearms acquisition by terrorists. This contributes to the identification of best practices with regard to policy and operational approaches. These country studies were in the first place undertaken with the deliberate aim of contributing to the policy debate and supporting the development of evidence-based policies to combat illicit firearms trafficking.

The third goal of this volume is to contribute to the further development of a research community focusing on firearms-related topics in the European context. The Flemish Peace Institute, an independent research institute of the Flemish Parliament in Belgium, has been supporting this development for several years by undertaking and coordinating specific research projects, such as Project SAFTE, and organising conferences and specialised research meetings. Following its mission statement, the Institute wants to contribute to a more peaceful society by thoroughly examining and analysing topics related to the prevention of violence.

The country studies in this volume relied heavily on the insights of experts from national law enforcement agencies across the EU. In total more than one hundred key actors were interviewed during the research process of Project SAFTE. This volume demonstrates the added value of collaboration between law enforcement agencies and independent researchers in which the methodological skills of specialised scientific researchers can be combined with the operational information and expertise of law enforcement officials. We therefore advocate a more structural collaboration between policy-makers, law enforcement agencies and specialised research institutes in the area of illicit firearms trafficking and gun violence.

With this book we hope to have provided further groundwork to reinforce the effort to combat illicit firearms markets in Europe and terrorist access to these markets, and have demonstrated the potential of using existing expertise and knowledge to improve the intelligence picture on these pressing security phenomena.

## ENDNOTES

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- 2 Duquet, N. & Van Alstein, M. (2015), *Firearms and Violent Deaths in Europe: An Exploratory Analysis of the Linkages Between Gun Ownership, Firearms Legislation and Violent Death*, Brussels: Flemish Peace Institute.
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- 4 Greene, O. & Marsh, N. (2015), "Armed violence within societies", In: Greene, O. & Marsh, N. (eds.), *Small Arms, Crime and Conflict: Global governance and the threat of armed violence*, Routledge: London, 79-104.
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- 6 See for example: Bruinsma, M.Y. & Moors, J.A. (2005), *Illegale vuurwapens: gebruik, bezit en handel in Nederland 2001-2003*, Tilburg: IVA.
- 7 Duquet, N. & Van Alstein, M. (2015), *Firearms and Violent Deaths in Europe: An Exploratory Analysis of the Linkages Between Gun Ownership, Firearms Legislation and Violent Death*, Brussels: Flemish Peace Institute, 3.
- 8 See for example: Sagramoso, D. (2001), *The proliferation of illegal small arms and light weapons in and around the European Union: Instability, organised crime and terrorist groups*, London: Saferworld; Centre for Strategy & Evaluation Services (2014), *Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the European Union*, Brussels: European Commission; EY & SIPRI (2014), *Study to support an Impact Assessment on a possible initiative related to improving rules on deactivation, destruction and marking procedures of firearms in the EU, as well as on alarm weapons and replicas*, Brussels: European Commission; Duquet, N. & van Alstein, M. (2015), *Firearms and Violent Deaths in Europe: An Exploratory Analysis of the Linkages Between Gun Ownership, Firearms Legislation and Violent Death*, Brussels: Flemish Peace Institute; Bowen, E. & Poole, H. (2016), *Examination of Firearms and Forensics in Europe and aCross Territories. EFFECT project Final Report*; Duquet, N. (2016), *Armed to kill: An exploratory analysis of the guns used in public mass shootings in Europe*, Brussels: Flemish Peace Institute; Savona Ernesto U. and Mancuso Marina (Eds.) (2017), *Fighting Illicit Firearms Trafficking Routes and Actors at European Level. Final Report of Project FIRE*, Milano: Transcrime – Università Cattolica del Sacro Cuore.
- 9 Savona Ernesto U. & Mancuso Marina (Eds.) (2017), *Fighting Illicit Firearms Trafficking Routes and Actors at European Level. Final Report of Project FIRE*, Milano: Transcrime – Università Cattolica del Sacro Cuore, 40.
- 10 Duquet, N. & Goris, K. (2018), *Firearms acquisition by terrorists in Europe: Research findings and policy recommendations of Project SAFTE*, Brussels, Flemish Peace Institute.



# The illicit gun market in Belgium: A lethal cocktail of criminal supply and terrorist demand

NILS DUQUET AND KEVIN GORIS

In recent years Belgium has often been labelled one of Europe's hotspots for illicit firearms, including military-grade assault rifles. Among other things, this label is a result of the evidence indicating that the terrorist networks responsible for the Paris attacks in 2015 acquired some of their firearms in Belgium. Belgium also has a historical reputation as being a 'gun country' due to, among other things, hundreds of years of firearms production and related traditions, its lenient firearms legislation until 2006, and numerous export and trafficking scandals involving firearms. Yet, despite this reputation, very little academic or policy-oriented research has been undertaken on the size and dynamics of the illicit firearms market in Belgium in general and on terrorist access to this market in particular.

In this chapter we will analyse the characteristics and dynamics of the illicit firearms market in Belgium, with a special focus on terrorist access to this market and the Belgian policy that has been developed in recent years to combat this security phenomenon. For this analysis we used a combination of quantitative and qualitative methods (see Box 1).

This chapter on (terrorist access to) the illicit gun market in Belgium consists of three main sections and a conclusion. In the first section we examine Belgian national policy and legislation to combat the illicit firearms market in general and the functioning of and cooperation between the practitioners involved in this process in particular. In the next section we analyse the characteristics of the illicit firearms market in Belgium. In sub-sections we discuss the size of this market (section 2.1), the criminal demand for firearms in Belgium (section 2.2), the different ways in which these firearms end up on the illicit market (section 2.3) and the nature of the transactions that take place on this market (section 2.4). In the third section we focus on terrorist access to the illicit firearms market in Belgium. We



### Box 1: Research design

This study is based on different methods. Firstly, desk research was conducted in which scientific literature, data from earlier studies, policy and legislative documents, and open-source media reports were studied. Secondly, we collected and analysed quantitative data from several services (police statistics, the Belgian Central Weapons Register (CWR) and justice statistics).

Thirdly, numerous in-depth interviews with key actors involved in combating (terrorist access to) the illicit firearms market were conducted (see below). On 18 occasions we spoke to 27 different people in total linked to various police services, judicial authorities, the Coordination Unit for Threat Analysis (OCAD) and the Belgian Federal Department of Justice.

#### **Date in 2017: Actor:**

24/02	National Institute for Criminalistics and Criminology
03/03	Public Prosecutor's Office at the Court of Appeal, Ghent
15/03	Former head of the Weapons Division of the Federal Department of Justice
22/03	DJSOC/Terro of the Federal Judiciary Police
24/03	Central Weapons Register (CWR)
28/03	Joint interview with representatives of various specialised divisions of the Federal Police
05/04	DJSOC/Weapons of the Federal Judiciary Police
06/04	Weapons Division of the Federal Department of Justice
18/04	OCAD
19/04	Weapons Division of the Province of Antwerp
25/04	Joint interview with representatives of various specialised divisions of the Federal Police
25/04	Federal Prosecutor's Office
04/05	Proof House
08/05	Firearms division of a local police force
10/05	Firearms Division of the Brussels Federal Judiciary Police
16/05	Federal Police Directorate of Police Information and ICT (DRI)
24/05	Terrorism Division of the Antwerp Federal Judiciary Police
07/06	Business Unit for Policy and Management in the Federal Police DRI

start this section with an overview of terrorist activities and attacks in Belgium since the early 1980s and then move to a focus on Islamist terrorist networks (section 3.1), followed by an analysis of right-wing terrorist networks (section 3.2). A final section provides conclusions.

## **1. Belgian legislation and policies to combat the illicit firearms market**

The keystone of the legal framework concerning the possession, domestic trade and use of firearms in Belgium is the 8 June 2006 Federal Act of Regulating Economic and Individual Activities with Weapons (hereafter, the Weapons Act).<sup>1</sup> The stipulations in the Weapons Act are further shaped by various royal decrees and circulars. This regulatory framework is aimed at controlling the legal possession of weapons and the legal trade in weapons. The monitoring, performance and checking of this framework is carried out by a diverse group of government departments at various levels (federal, regional, community, provincial and local).<sup>2</sup> However, the regulatory framework is also an important aspect of the fight against the illicit firearms market. It draws a legal boundary between legal and illegal activities, thus allowing the prosecution of these illegal activities. The Federal Government determines the policy on illegal weapons, and police departments and the courts are responsible for investigations of illicit firearms possession and trade.

In Belgium, the policy focus on firearms in general, and the illicit firearms market in particular, is cyclical. It is strongly driven by violent incidents that affect public opinion, which hinders attempts to structurally put pressure on the illicit firearms market. In this section of the report we will describe the most important features and evolutions of the federal policy for combating the illegal weapons market in Belgium since 2006.

### **1.1 The Weapons Act of 2006**

In 2006 firearms legislation in Belgium was tightened in the aftermath of a fatal shooting in Antwerp in May that year. In this incident a young man fatally shot two women and a toddler with a shotgun that he had legally purchased earlier that day upon showing his identity card. This incident caused considerable uproar in Belgian politics. Although the process of replacing the previous Weapons Act of

1993 had already been started in 2001<sup>1</sup> and had been included in the federal coalition agreement of 2003,<sup>3</sup> the shooting incident accelerated the debate. As a result the blueprint of the new Weapons Act was rapidly approved by Parliament and implemented almost immediately.

The Weapons Act of 2006 is considerably stricter than its predecessor. Firearms that previously had been freely obtainable, such as certain types of shotguns and sports weapons, became subject to licensing. The 2006 Act introduced three categories of firearms: (1) prohibited firearms (e.g. assault rifles); (2) firearms for which no licence was required (e.g. deactivated weapons and alarm pistols); and (3) firearms for which licences were needed (all firearms not belonging to one of the other two categories).<sup>4</sup> A prior licence is required for the acquisition and possession of all weapons in the third category.<sup>11</sup> To obtain a licence, the applicant must meet several criteria. These comprise having reached the age of 18 years, being declared medically fit to handle a weapon, and passing a theoretical and practical test. Also, the local police conduct a background check to exclude citizens with a criminal record that includes certain offences (e.g. infractions of the Weapons Act) or who suffer(ed) from a mental disorder. Together with this, the mandatory criterion of a 'good cause' was introduced.<sup>5</sup> This refers to a list of six activities that are eligible for weapons possession: hunting and fauna-control activities; sports and recreational shooting; the performance of a high-risk profession; self-defence; collecting historical weapons; and participating in historical, folklore, cultural or scientific activities.<sup>111</sup> It is important to point out is that the 'good causes' of self-defence and a high-risk profession are interpreted very restrictively, which means that very few people in Belgium actually qualify for these good causes and are allowed to possess firearms for these reasons.<sup>6</sup> The Weapons Act also imposes several strict safe storage and transportation requirements.<sup>7</sup> When a weapons possessor no longer meets the legal criteria, his/her licence can be suspended or withdrawn.<sup>8</sup>

The tightening of the Weapons Act was in line with European Directive 91/477/EEC of the Council of the European Union (EU) of 18 June 1991 dealing with control of the acquisition and possession of weapons. Besides the harmonisation of the firearms legislation with international legislation, the objectives of the new Weapons Act

I The cabinet had already approved a preliminary draft of the new Weapons Act in 2001. This preliminary draft was submitted to Parliament in 2002.

II The Weapons Act makes provision for a more lenient regime for certified hunters and sports shooters. In some instances they can acquire and own certain weapons without a prior licence for every individual firearm.

III There is also the possibility of so-called 'passive weapons possession' for three specific groups: heirs, hunters or sports shooters who cease their activities, and – until the end of October 2008 – people who legally owned weapons prior to the new and stricter 2006 legislation. These groups can retain their weapons, but are prohibited from owning or acquiring ammunition for them.

were the safeguarding of society by improving the registration and traceability of firearms, the centralisation of powers in the person of the minister of justice, a guarantee of uniformity in the issuing of licences – by transferring this power from local police areas to provincial governments – and the improved monitoring of professional firearms dealers. All weapons owners were obliged to comply with the new legislation and register their weapons. In addition, as a means of reducing the level of weapons ownership, an amnesty period (until October 2008) was organised during which more than 200,000 firearms were handed in.<sup>9</sup>

## **1.2 Increased policy focus on the illicit firearms market since 2010**

With the tightening of the Weapons Act in 2006, political focus on the firearms issue in Belgium in the period 2006-2010 related mainly to the control of the illegal possession of weapons. This is shown by the fact that illicit firearms trafficking was not considered to be a priority security issue in the National Security Plan 2008-2011.<sup>10</sup> At the beginning of 2010 the issue of illicit firearms trafficking became a hot topic on the political agenda. In the following years a strong increase in political attention to the illicit firearms market can be observed, often motivated by incidents of gun violence.

In early 2010 the precarious security situation in Brussels, the presence of military-grade assault rifles in the criminal sphere and the increasing use of these weapons raised concerns on several occasions. In January 2010 a policeman was seriously injured in the centre of Brussels in a shooting incident in which a Kalashnikov-type assault rifle was used after a failed robbery. In its aftermath, around seven hundred policemen took to the streets to protest, among other things, ‘the increasing number of cases of extreme violence used against police officers, with disproportionately violent means being employed, such as weapons of war of the Kalashnikov type’.<sup>11</sup> The initial policy response was mainly aimed at controlling the illicit firearms market in Brussels and improving European cooperation to deal with this phenomenon. The focus here was on the availability of military-grade assault rifles in the criminal sphere. The Federal Government responded by means of an eight-point programme to deal with security in Brussels. This plan contained a proposal to step up the fight against illicit weapons trafficking, including through improved tracing of seized firearms and better information exchange.<sup>12</sup> Besides this, a weapons task force was set up within the police consisting of eight detectives from the federal and local Brussels police forces to focus on the fight against illicit firearms trafficking in the context of organised crime in the judicial district of Brussels. The Federal Government also made use of its presidency of the EU in the second half of 2010 to

raise the issue of the availability of military-grade assault rifles at the European level,<sup>13</sup> and in December 2010 the EU announced its Action Plan to combat illegal trafficking in so-called 'heavy' firearms destined for the criminal market.

Despite these steps, the combating of illicit firearms trafficking in Belgium did not become a real national policy priority until a deadly shooting took place at the Christmas market in Liège on 13 December 2011. The perpetrator of this shooting used an illegally obtained firearms to kill five people and injure 123 others.<sup>14</sup> This incident caused a great deal of public concern about the availability of illegal firearms in the country. In the months that followed various measures were announced aimed at better combating illicit firearms trafficking. In effect, the policy comprised three instruments: the Weapons Action Plan of 2012, the National Security Plan 2012-2015 and circular COL 14/2012. Each of these documents concentrated on a different aspect of the fight against illicit firearms trafficking, comprising respectively a legislative, operational and judicial approach.

The Weapons Action Plan of March 2012 was clearly focused on the tightening of the legislative framework dealing with the illegal possession of weapons and the optimisation of relevant procedures. Announced measures included, among other things, the establishment of a new committee to coordinate the fight against firearms trafficking and the abolition of the list of freely obtainable firearms.<sup>15</sup> More operational objectives were addressed in the National Security Plan 2012-2015. In this document firearms trafficking was labelled a priority criminal area of focus for the police. More specifically, 'a priority approach of a judicial nature was intended, supported by a sound intelligence picture and described in a (future) directive from the judicial authorities, with a special focus on the proactive criminal investigation department'.<sup>16</sup> The focus here was on the detection of illicitly held firearms, the seizing of as many illicitly held firearms as possible, and the improvement of the intelligence picture of the phenomena of illicit firearms trafficking and the use of 'heavy firearms' for criminal activities.<sup>17</sup> Confidential circular COL 14/2012, issued in October 2012 by the minister of justice and the Board of Public Prosecutors at the Courts of Appeal, formulated the judicial approach to illicit firearms trafficking.<sup>18</sup>

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I European Directive 91/477/EEC allows antique weapons to be exempt from licensing and registration requirements. In the royal decree of 20 September 1991 concerning firearms of historical, folklore or decorative value and deactivated weapons, a number of general criteria were established (such as using black powder and the date of manufacture) that weapons had to meet in order to be freely obtainable in Belgium under these rules. In addition, a list was added to this decree as an appendix in which a series of models of firearms that were considered to be freely obtainable were included. This list was extended in 1995 and 2007. This extended list had already been much criticised, on the one hand because its scope was too wide and it allowed private individuals to buy usable firearms without a lawful reason, and on the other because the Belgian list was much more extensive than those of neighbouring countries, which would encourage weapons tourism to the country (Duquet, N. & Van Alstein, M. (2011), *Vuurwapens: handel, bezit en gebruik*, Leuven: Acco, pp. 177-180).

This document sets out a number of priorities for this approach and also contains several measures aimed at improving the operational and tactical intelligence picture, improving information sharing between the various police forces and the Public Prosecutor's Office, and a better division of roles and responsibilities in the fight against illicit firearms trafficking.

### **1.3 New measures in the aftermath of terrorist incidents since 2015**

Combating illicit firearms trafficking has once again featured prominently in the Belgian political debate since early 2015. The background to this was the terror attacks in Paris in January and November 2015 and the associated media reports stating that the perpetrators of these attacks had bought some of their weapons on the Belgian illicit weapons market, the lethal gunfight between members of the Belgian law enforcement services and terrorists in Verviers in January 2015, and the failed terror attack on the Thalys train between Brussels and Paris in August 2015 (see below). In the aftermath of these events various measures were therefore announced and adopted within the wider context of combating terrorism.

For example, in the context of supplementary measures to counter terrorism, the Federal Government submitted a bill to Parliament that enabled the use of telephone tapping to detect infractions of the weapons regulations.<sup>1</sup> The Federal Parliament adopted this bill on 27 April 2016.<sup>19</sup> Moreover, new initiatives were taken to improve information exchange and expertise among the various departments involved. In October 2015, for example, an inter-federal advisory committee on illicit firearms trafficking was set up.<sup>20</sup> Almost simultaneously a working group of police weapons experts was set up consisting of representatives of the federal and local police. Furthermore, the fight against illicit weapons trading is addressed prominently as one of the priorities in the most recent security policy plans, with improving the intelligence picture of the illicit weapons trade as an important focal point.<sup>21</sup> Also in the federal action plan against radicalism, violent extremism and terrorism in the Brussels canal area (the so-called 'Kanaalplan'), launched by the minister of the interior after the November 2015 Paris attacks, explicit attention was given to a more vigorous approach to illicit firearms trafficking. Together with other illegal economic activities, such as drug trafficking and the forging of identity documents, this is considered to be a phenomenon that supports terrorist activities.<sup>22</sup> This plan has resulted in the allocation of additional detectives to the

<sup>1</sup> Violations of the Weapons Act of 2006, the federal law of 1991, and the regional decrees of 2012 and 2013 concerning foreign arms dealing.

firearms trafficking division of the Brussels Federal Police. Also, several projects have been set up to enhance the intelligence picture of this market in the Brussels canal area. One of these projects involves sensitising local police forces to focus greater attention on the source of illicit firearms. To this end, an interrogation template has been developed with a series of specific questions dealing with how a suspect acquired his/her weapon. Furthermore, all seized firearms and ammunition in the area will in principle be subjected to analysis by a ballistics expert.<sup>23</sup>

## 1.4 Combating (terrorist access to) the illicit firearms market in Belgium

The discussion above makes clear that the policy focus on tackling illicit firearms market in Belgium is increasing, even though it is largely driven by events. Recently, preventing terrorists from gaining access to this market has also become a specific policy priority. In this section we give a brief overview of the main actors charged with these responsibilities, as well as the challenges they face on the ground.

Although customs services<sup>1</sup> also play a role, the police are the key player in detecting firearms infractions. Belgium has one integrated police service, structured at two levels: the local and the federal. Local police forces are responsible for basic police tasks within the borders of one or more municipalities.<sup>24</sup> Among others, these tasks comprise traffic control, emergency interventions, keeping track of radicalising or radicalised inhabitants, and investigating local crimes. In many cases local police officers are the first to record a firearms infraction. In such cases, they seize the illicitly held, used or trafficked firearms and ammunition, after which these firearms become pieces of evidence that are deposited at the clerk's office. During the investigations firearms and ammunition can be subjected to a ballistics analysis by the National Institute for Criminalistics and Criminology or a private expert. In principle, seized firearms should be destroyed by the national Proof House in Liège. In every link of this chain, data on seized firearms' characteristics and status need to be registered in the CWR and other official databases.

The Federal Police deal with nationwide specialised and supra-local investigations and support.<sup>25</sup> With regard to its judicial tasks, the force comprises both central and

<sup>1</sup> Customs services also deal with illicit firearms. This can occur both during controls of the country's external (European) borders and during domestic fiscal controls. The vast majority of arms seized by customs are prohibited weapons other than firearms (e.g. flick knives, pepper spray, etc.). When weapons-related violations are detected, they are referred to the Public Prosecutor's office (Sarrazyn, J. (2017), 'De rol van de douane bij de controle van de in- en uitvoer van wapens, met bijzondere aandacht voor de strijd tegen illegale wapens', presentatie op de studiedag 'Illegaal wapenbezit in België', Ghent, 16 March).

decentralised services. Fourteen decentralised judicial police forces conduct specialised criminal investigations into complex phenomena like illicit firearms trafficking and terrorism.<sup>1</sup> However, many of these judicial police forces have no specialised illicit firearms trafficking division. Mostly, this is dealt with by more generic divisions combating all kinds of violent or goods-related crimes.<sup>26</sup> The Brussels Judicial Federal Police are an important exception. This police force contains a gradually expanding investigative division dedicated specifically to combating illicit firearms trafficking since the eight-point programme launched after the 2010 shooting incidents in Brussels.<sup>27</sup> In principle, detectives from this division should be informed of all illegal firearms seizures by local Brussels police forces and their federal colleagues working on other phenomena.<sup>28</sup> At the central level, the Federal Police have a specific national department that specialises in illicit firearms and their trafficking known as DJSOC/Weapons. Its function is to provide support, coordination, and expertise to both local police and decentralised federal police forces (e.g. during a weapons-related house search or seizure).<sup>29</sup>

The Public Prosecutor's Office takes the lead in and is responsible for criminal investigations conducted by the police.<sup>11</sup> It assigns police officers and judicial experts (e.g. ballistics specialists) to carry out investigations. The 14 local public prosecutors are responsible for the criminal and prosecution policy in their judicial districts. The illicit firearms trade has not been given top priority for a considerable time, but circular COL 14/2012 was aimed at changing this situation. Since then, every local public prosecutor's office is required to appoint a specific magistrate functioning as a point of reference for weapons-related infractions.<sup>30</sup> One of the main reasons behind this was to encourage and better streamline inquiries into the illicit firearms problem.<sup>31</sup> Apart from this, Belgium also has a Federal Public Prosecutor's Office, which has nationwide responsibilities for dealing with geographically spread and complex phenomena. Among other crimes, this office takes a leading role in terrorism investigations. Also with regard to illicit firearms trafficking, the Federal Prosecutor's Office was assigned a key role in the 2012 circular. It not only directs the most complex and serious investigations, but also has an important coordinating and sensitising function. To this end it developed an action plan on illicit firearms that has prompted some noteworthy positive initiatives. For example, the federal public prosecutor organises regular joint meetings with the police and local weapons reference magistrates to determine priorities, foster information sharing, detect and resolve bottlenecks, and promote (cooperation in) investigative work.<sup>32</sup>

I For terrorism investigations, five of the 14 decentralised federal police forces serve as reference units (Antwerp, Brussels, Charleroi, East Flanders and Liège).

II Or, when the most far-reaching intrusions in the suspects' private lives are in order (e.g. temporary custody), under the supervision of an investigative judge.



In spite of such positive developments and the increased policy attention paid to upgrading the fight against illicit firearms trafficking in the last decade, many of the interviews held for this research reveal that this issue's high priority status is often not accompanied by concrete actions and progress on the ground. The main reasons for this are limited resources, a lack of coordination with and action at the operational level to achieve the planned objectives, and the presence of an extended series of other (competing) prioritised phenomena.<sup>33</sup>

More concretely, one of the most important challenges remains the prioritising of and investment in illicit firearms investigations. This starts at the local level, where often rather limited attention is given to detecting the networks behind seized illicit firearms.<sup>34</sup> When police are interrogating a suspect about a crime committed with an illicitly held firearm, little attention is often paid to where, how and from whom this firearm was acquired. Assigning the case to a more specialised (federal) police service could be a solution to this problem. However, in practice this does not occur systematically. Many police forces and public prosecutors seem to focus on solving major crimes (e.g. murders or robberies committed with firearms). Uncovering the routes and networks behind the acquisition of the weapons that were used in such crimes is often treated as a secondary task. Since resources and personnel are scarce, this is explained by the complexity and lengthy duration of such additional investigations, which require vast investments of time and resources with often-uncertain outcomes.<sup>35</sup>

Such problems are not confined to the local level. The fact that most decentralised Federal Police entities do not have a specific investigative division dedicated to illicit firearms trafficking also tends to reduce the investment in this highly complex and concealed phenomenon.<sup>36</sup> Furthermore, the number of firearms experts and analysts working in DJSOC/Weapons has been diminishing in the last few of years. As a consequence, a great deal of knowledge and experience have also disappeared. At the expense of more strategic analyses and intelligence exercises, DJSOC/Weapons' main focus today is on providing technical support on the ground.<sup>37</sup> The current heightened attention to terrorism furthers these regrettable developments within both local and federal police forces. There seems to be a displacement of resources and personnel to the surveillance, detection and investigation of terrorist threats at the expense of other non-terrorist infractions like drug trafficking, human trafficking, cybercrime and illicit firearms trafficking. Open sources indicate that many Belgian security services have been increasingly struggling with this problem since the 2015 Paris terrorist attacks.<sup>38</sup>

Another important challenge in Belgium remains information gathering and sharing. Firstly, although policy plans emphasise the need for improving the intelligence

overview of illicit firearms trafficking, in practice not much progress can be noted in this regard. As the discussion of the official figures in the next section will make clear, firearms-related registrations are characterised by several reliability and validity issues, rendering the official data that are available of only limited value for developing a reliable image of the illicit firearms market, the milieus and actors involved, and the crimes committed with firearms. Secondly, cooperation and information sharing among the national services involved – both bottom-up (e.g. from local police officers recording a firearms-related infraction to the specialised federal detectives investigating illicit firearms trafficking) and horizontally (e.g. from specialised drug investigators to firearms investigators) – are still insufficiently systematic.<sup>39</sup> Specifically, cooperation and information sharing between services working on terrorism and those involved in investigating firearms trafficking also remain limited. Although the illicit firearms crime-terror nexus has been observed in several recent terrorist incidents in and around Belgium, it seems that there is still little cooperation between police investigators and analysts working on these phenomena on the ground. In other words, terrorism and the illicit firearms market are chiefly treated as two distinct problems by separate police divisions with only a few linkages between them. Also, within other crucial actors invested in the fight against terrorism – like the national OCAD or the civil and military intelligence services – there is still room for improvement in terms of the level of attention focused on the link between terrorism and illicit firearms markets.<sup>40</sup>

Internationally, cooperation mainly occurs on the operational level.<sup>41</sup> Information is shared in specific cases<sup>42</sup> and through Europol's focal point.<sup>43</sup> Also, joint investigations are set up with foreign law enforcement agencies (e.g. from the Netherlands), while the Federal Public Prosecutor's Office has established multiple special cooperation agreements with several other nations (e.g. Albania, Serbia and Romania).<sup>44</sup> Yet strategic forms of cooperation and information sharing that would allow more proactive intelligence gathering and actions still remain rather limited.<sup>45</sup>

## 2. Characteristics of the illicit firearms market in Belgium

The previous section showed that combating the illicit firearms market is defined as a priority in recent security policy plans in Belgium, with, among other things, improving the intelligence picture of this market as a specific area of focus for law enforcement agencies. Nonetheless, due to several problems with the reliability and validity of the available data, the official statistics these agencies collect are currently still of little value in attempts to gain in-depth insight into the characteristics and

dynamics of the Belgian illicit firearms market. In this section we first briefly illustrate the weaknesses of official quantitative data by attempting to estimate the size of the illicit firearms market. In the following sections we discuss the findings of our qualitative research with regard to the criminal demand, sources and dynamics of this market.

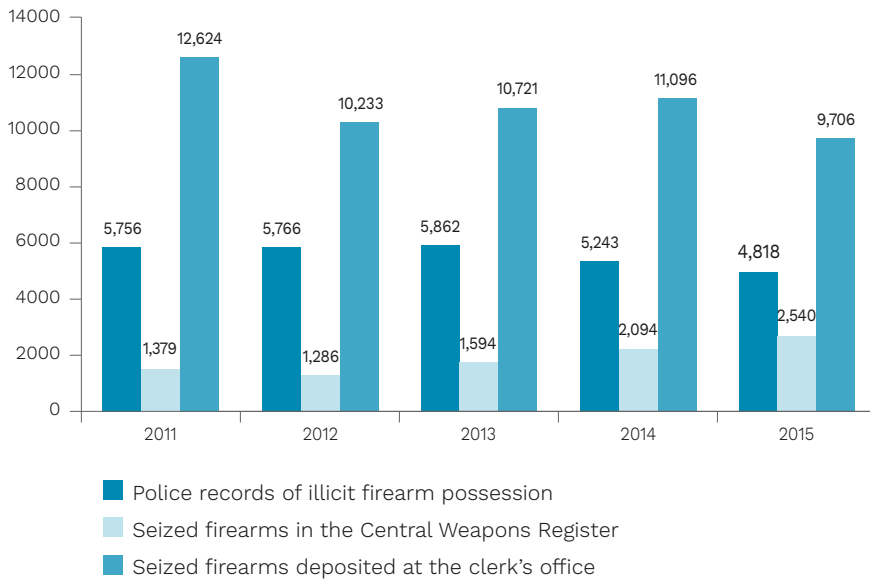
## 2.1 Size of the illicit firearms market

In the last few years the international press has repeatedly pointed to Belgium as one of the most important European hubs for illegal firearms.<sup>46</sup> The immediate cause of this phenomenon was the evidence that the perpetrators of the Paris terrorist attacks of January and November 2015 acquired at least some of their weapons in Belgium. Therefore, the first important matter to address is the estimated size of the illicit firearms market in Belgium. According to frequently cited numbers in the national media, between 1.5 and 2 million firearms are in circulation – both legally and illegally – in the country. These figures were also used in the Belgian government's communication on the occasion of the adoption of the new federal Weapons Act in 2006.<sup>47</sup> Since at that time about 870,000 legal firearms were recorded in the CWR – the national database for monitoring licit firearms possession – this implies an estimate of around 630,000 to 1.1 million illegal firearms in 2006.<sup>48</sup> To date, however, it remains unclear on which sources this figure of 1.5-2 million was based.

In reality, the size of the illicit firearms market is not known in Belgium. Estimating the size of this market is highly problematic. The official numbers are, of course, marked by well-known limitations characteristic of all official crime statistics. Due to the clandestine nature of the problem, there will always be a significant 'dark number' of illicitly-held firearms. Furthermore, official figures reflect the actions and priorities of law enforcement agencies rather than the actual extent of the phenomenon.<sup>49</sup> Also, earlier research has unveiled many additional and specific shortcomings of official data on the illicit firearms market. In summary, due to the poor registration of seized firearms, extrapolations based on the official statistics of law enforcement agencies are currently not possible in Belgium. For many years the development of a better intelligence picture of the illicit firearms market was not considered a national priority. In addition, in many police investigations that involve firearms – for example, murder, drug-related or armed robbery investigations – little attention is given to how the perpetrators acquired the firearm(s) that they used. Furthermore, many problems were highlighted regarding the completeness and quality of the recording of firearms on the ground, which were often the result of the lack of firearms expertise of the police officers involved. In addition, the official databases that do contain (potentially) interesting information are

generally not designed to be used for analytical purposes.<sup>50</sup> The lack of reliable quantitative data thus renders it impossible to credibly and more accurately estimate the number of illicitly held firearms in Belgium. In addition, this situation does not allow the country to comply with international reporting expectations such as UN Sustainable Development Goal 16.4.<sup>1</sup>

**Figure 1: Comparison of selected official data on illicit firearms, 2011-2015**



To illustrate the problematic nature of the official statistics on the illicit firearms market in Belgium, we can compare some of the data registered by several actors in the judicial chain (see Figure 1). In this figure, the dark blue bars on the left represent the annual number of police recordings of illicit firearms possession. Belgian police services recorded almost 27,500 cases of illicit firearms possession between 2011 and 2015. Given that each recorded case refers to at least one illicitly held firearm, this implies that the police deal with at least about 5,500 illicitly held firearms per year. This number is clearly an underestimation, while research shows that not all firearms infractions are registered as such by the police. This is

<sup>1</sup> Which is designed to 'by 2030 significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organized crime' (UN General Assembly Resolution 70/1 of 25 September 2015, Transforming Our World: The 2030 Agenda for Sustainable Development, A/RES/70/1 (2015)).

especially the case when they are detected in relation to another – deemed principal – crime (e.g. a drug deal).<sup>51</sup>

In theory, the police have seized every recorded illicitly held firearm. Police officers are then obliged to register all these seizures in the CWR. The annual number of registered seized firearms in this database is represented by the lighter blue bars in the middle of the three-bar groupings in Figure 1. In comparison to the average minimum of 5,500 seized guns per year, which would be expected on the basis of police recordings of illicit firearms possession, on average fewer than 1,780 seizures were registered in the CWR between 2011 and 2015. This implies that, notwithstanding the obligation of police officers to do so, not all seized firearms are actually being recorded in the CWR. This observation is further supported by the light purple bars on the right of the three-bar groupings in Figure 1, which reflect the number of firearms deposited at clerk's offices after seizure so they can serve as evidence in criminal courts. Again, major discrepancies can be observed in comparison to the other available data. According to these numbers, annually an average of 10,876 seized firearms were deposited at the various clerk's offices between 2011 and 2015, which is more than six times higher than the seized firearms registered in the CWR.

In conclusion, although the numbers in Figure 1 do not refer to the same entities, their cursory comparison illustrates the flaws in official statistics on the illicit firearms market in Belgium. They are therefore of little value to any attempts to gain insight into this market's size and characteristics.

## 2.2 Criminal demand for firearms

Criminals are generally considered the most important drivers of European illicit firearms markets. In Belgium too the demand for illegal firearms is strongly linked to various kinds of criminal activities. The underlying motives for criminals' desire to obtain weapons are generally instrumental and defensive by nature.<sup>52</sup> Besides this, the status that accords with the possession of guns also plays a role in the minds of some criminals. Owning a gun is a status symbol in the criminal world. The possession of top-brand firearms or weapons of war in particular elevates status, because it implies that the owner is engaged in serious criminal activities and, furthermore, has connections with an extensive network that is able to supply such weapons.

The demand for firearms in Belgium comes from various spheres of the criminal underworld, such as armed robbers, drug traffickers and drug dealers, thieves, organised groups involved in prostitution or human trafficking, street gangs, and

the world of outlaw motorcycle gangs (OMGs). Yet the demand from these diverse criminal environments is not identical: different types of criminals are characterised by different patterns of weapons possession and acquisition in Belgium. In the following sections we will go deeper into the possession and use of firearms in the three most important gun-related criminal environments in Belgium: the drug milieu (section 2.2.1), the environment of armed robbers and street gangs (section 2.2.2) and the world of OMGs (section 2.2.3).

### 2.2.1 Illicit firearms possession and use in the drug milieu

Belgium is generally considered to be one of the most important manufacturing countries of cannabis, amphetamine and ecstasy in Europe. Relatively large numbers of people in Belgium are involved in cannabis cultivation. A significant part of this cannabis production takes place in the criminal milieu and is destined for Dutch coffee shops.<sup>53</sup> Also with regard to the production of synthetic drugs such as amphetamines and ecstasy, intensive cross-border connections exist between the Belgian and Dutch criminal drug environments.<sup>54</sup> In addition, due to its central location and the presence of a major seaport in Antwerp, Belgium is also one of the most important European entry points for the trafficking of hard drugs such as cocaine,<sup>55</sup> but cannabis is also smuggled into the country on a large scale.<sup>56</sup> Besides the wholesale trade in drugs, there is also an illicit retail drugs market in Belgium.<sup>57</sup>

In the criminal drug world the issuing of threats and the use of violence are commonplace. The people involved are very often armed, and shootings occur regularly.<sup>58</sup> According to the police, drug criminals are very often armed with firearms. They mainly possess handguns, which are easy to conceal.<sup>59</sup> Although we need to interpret police statistics with the necessary caution, they seem to confirm this contention: in the drug milieu mainly handguns and alarm weapons are found. Long weapons such as rifles and carbines are found less often (see Table 1). Yet it is important to emphasise that not all drug criminals acquire and possess the same firearms in Belgium: firearms possession is especially widespread among those involved in the production of and wholesale trade in drugs.<sup>60</sup>

The significant possession and use of illicitly held firearms by drug criminals can be illustrated by the results of recent police operations. For example, during Operation Trefpunt in April 2016 a large-scale network was rounded up that was producing synthetic drugs. In total, over a hundred house searches took place and six large drugs laboratories were dismantled. The epicentre of the action was the Dutch town of Best, close to the Belgian border. But house searches were also carried out in Belgium, in the surroundings of Turnhout and in the cities of Lommel and Leuven.

During the operation the police found handguns, an Uzi and a Kalashnikov, among other items.<sup>61</sup> This example shows that some criminals involved in the drug trade have acquired heavy firearms.

**Table 1: Number of firearms registered in a selection of drug-related police records according to type, irrespective of their involvement, 2009-2015<sup>1</sup>**

Possession of drugs	2009	2010	2011	2012	2013	2014	2015
Handguns	3	4	1	5	3	3	4
Rifles/carbines/machine guns	1	0	3	1	3	0	3
Alarm weapons	5	4	4	5	7	1	5
Cartridges/ammunition	12	6	6	11	14	5	7
Components and accessories	4	0	1	5	2	3	1
Manufacture of drugs	2009	2010	2011	2012	2013	2014	2015
Handguns	0	2	2	3	3	4	1
Rifles/carbines/machine guns	2	0	3	0	1	2	0
Alarm weapons	0	1	2	3	1	2	0
Cartridges/ammunition	3	3	5	0	5	4	2
Components and accessories	0	0	0	0	3	0	3
Drug trade	2009	2010	2011	2012	2013	2014	2015
Handguns	5	7	7	8	9	7	5
Rifles/carbines/machine guns	1	3	3	4	3	3	4
Alarm weapons	4	4	6	10	10	3	7
Cartridges/ammunition	11	17	11	8	16	12	8
Components and accessories	2	4	3	3	8	3	6
Import and export of drugs	2009	2010	2011	2012	2013	2014	2015
Handguns	2	4	0	0	1	3	1
Rifles/carbines/machine guns	0	0	0	1	1	3	0
Alarm weapons	1	0	5	1	4	1	0
Cartridges/ammunition	1	2	1	3	2	5	2
Components and accessories	1	1	0	0	1	1	1

Source: Belgian Federal Police

<sup>1</sup> For the composition of these categories, see Duquet, N. & Goris, K. (2017), *De Belgische illegale vuurwapenmarkt in beeld*, Brussels: Flemish Peace Institute, pp. 93-94.

## 2.2.2 Illicit firearms possession and use by armed robbers and street gangs

Official crime statistics indicate that the Belgian police report about 4,000-5,000 armed robberies annually.<sup>62</sup> For this study we requested more detailed data on the firearms used in armed robberies (see Table 2). These data show that between 2009 and 2015, 11,262 firearms were connected to recordings of armed robberies in the police database, mainly robberies with handguns (robberies in which long firearms and alarm weapons were used occur far less frequently in the statistics). Interviews for this study, however, suggest that in Belgium, armed robbers often do not possess or use lethal-purpose firearms. Compared with, for example, drug traffickers, this specific group of criminals often tend to use alarm pistols and fake guns. This is because most armed robbers do not intend to actually use a firearm and therefore do not need a lethal-purpose firearm. Instead, most of them use their weapons purely as a scare tactic.<sup>63</sup> As with drug criminals, armed robbers prefer to use handguns, because they can be more easily concealed. Some armed robbers also use military-grade assault rifles, especially in bank robberies and attacks on other heavily secured targets. For example, assault rifles were used in a spectacular diamond heist at Brussels Airport in 2013.<sup>64</sup> However, in recent years men equipped with military-grade assault rifles have robbed some less heavily secured targets (e.g. a supermarket, a smaller shop, a post office and a discotheque).<sup>65</sup>

**Table 2: Number of police records of armed theft according to type of firearm, 2009-2015<sup>66</sup>**

	2009	2010	2011	2012	2013	2014	2015
Handguns	1,807	1,597	1,550	1,395	1,121	1,103	1,127
Rifles/carbines/machine guns	263	170	134	110	120	150	107
Alarm weapons	88	70	62	60	52	35	27
Total number of armed thefts with a firearm	2,055	1,763	1,764	1,531	1,254	1,236	1,233
Total number of armed thefts	5,862	5,377	5,548	4,971	4,413	4,054	4,047

Source: Belgian Federal Police

The numbers in Table 2 further seem to suggest a strong decrease in the use of firearms in armed robberies since 2009. Moreover, this decrease appears to be stronger than the decrease in recordings of armed robberies in the same period. It is important to stress, however, that these data need to be interpreted with caution. Whether



or not a firearm is linked to the armed robbery in the police database depends on the recording practices of police officers, which can differ considerably.<sup>67</sup>

Not surprisingly, many armed robberies are committed by young, inexperienced criminals who often lack the necessary criminal connections to obtain lethal-purpose firearms. In 2016, for example, 31% of armed robbery suspects were minors.<sup>68</sup> It is much easier for these younger armed robbers to obtain a fake gun or a legal (homologated) alarm pistol than a lethal-purpose firearm, because adults can buy these types of weapons legally in Belgium, without a licence. We see a similar picture of weapons possession by street gangs. These gangs generally consist of youths, and their criminal activities mainly involve small-scale drug dealing, theft, smaller robberies and extortion. Although there have been some cases of street gangs possessing firearms,<sup>69</sup> it is fairly unusual for them to do so in Belgium. Members of street gangs usually use blank-firing weapons during their criminal activities.<sup>70</sup>

### 2.2.3 Illicit firearms possession and use among outlaw motorcycle gangs

Europol estimates that the number of OMGs in Europe has doubled since 2005.<sup>71</sup> Such gangs are also active in Belgium, with about forty local 'chapters' of major international OMGs being present (like Hells Angels, Outlaws, Satudarah and No Surrender). In recent years there has been a notable increase in the number of such gangs in the country. The border area with the Netherlands is a particularly popular site for new chapters of OMGs.<sup>72</sup>

The criminal activities of these biker gangs mainly involve the production of and trade in drugs. In the course of judicial investigations in recent years, the Belgian police have found large quantities of drugs among members of various biker clubs and/or their support clubs. This involved, for example, both the discovery of cannabis farms<sup>73</sup> and the busting of a cocaine-trafficking operation from Latin America.<sup>74</sup> Besides the wholesale trade in drugs, some OMGs are also involved in drug dealing on a smaller scale.<sup>75</sup> OMGs also engage in other criminal activities, such as prostitution, extortion and the fencing of stolen motorbikes.<sup>76</sup>

In view of their criminal activities, it is not surprising that firearms are often found during house searches in police investigations of the Belgian chapters of OMGs.<sup>77</sup> These are not limited to handguns, but also include hunting rifles with sawn-off barrels and hand grenades. In 2015 even rocket launchers were discovered.<sup>78</sup> In March 2017, in the context of a coordinated police operation against the OMG No Surrender, house searches were carried out in 61 places across the whole of Belgium

and 34 individuals were arrested. In total, the police found 35 firearms of diverse types, including four pistols with silencers, a P38 pistol, various hunting weapons, a rifle with a sawn-off barrel, a Skorpion sub-machine gun and several assault rifles. Other items that were found included ammunition of diverse calibres, a hand grenade and a bulletproof vest.<sup>79</sup> This example illustrates the wide variety of firearms and related ammunition biker gangs have access to.

International OMGs are known for their use of extreme violence, which is often combined with the possession of firearms, including assault rifles and hand grenades. This extreme use of violence is primarily directed at rival gangs.<sup>80</sup> A gang war has been raging in the Netherlands for some years. Because of the increase in activities of OMGs in Belgium, the police also expect an increase in violence, since the criminal cake has to be divided among more and more players and the Belgian gangs are under pressure – from the Netherlands and Germany – to demarcate their territory even further. Moreover, accounts still have to be settled as a result of previous violent incidents.<sup>81</sup> This rivalry is often expressed in minor skirmishes and even shootings. For example, in 2010 in Aalbeke (West Flanders) three people were injured when members of Hells Angels and their support club, the Red Devils, fired multiple shots from a car at a clubhouse of the local chapter of the Outlaws.<sup>82</sup> Since then, this rivalry has also resulted in fatalities. In 2011 three members of the Outlaws were shot dead by a group of Hells Angels during the opening of a new tyre centre in Maasmechelen (Limburg).<sup>83</sup> Their extreme violence is not only directed at rivals. Motorcycle gangs also use their violent reputation to boost their general status in the criminal world.<sup>84</sup>

OMGs use firearms not only for instrumental reasons, but also as merchandise. European OMGs are sometimes also involved in the smuggling of firearms and often choose the sites of new chapters with an eye to existing routes for smuggling firearms, drugs and people.<sup>85</sup> It is therefore no surprise that the police sometimes arrest individuals from Belgian-Dutch OMGs on suspicion of firearms smuggling. For example, at the beginning of 2015 the Croatian police arrested a man from the Belgian town of Poppel (Antwerp). He was carrying a small arsenal of weapons in his van, including numerous handguns, some Kalashnikov-type assault rifles, ammunition, hand grenades and six rocket launchers. The man was suspected of smuggling these weapons on behalf of No Surrender.<sup>86</sup>

## 2.3 Sources of the illicit firearms market

In Belgium firearms enter the illicit firearms market in various ways (see Figure 2). Each of these ways is characterised by its own dynamics and specific policy and law enforcement challenges. Despite a lack of reliable and detailed quantitative data, our expert interviews suggest that the most important ways in which firearms end up on the illicit gun market in Belgium are through organised smuggling, the conversion of non-lethal-purpose weapons into firearms and the reactivation of deactivated firearms.<sup>87</sup>

### 2.3.1 Cross-border smuggling

The cross-border smuggling of firearms is often considered the most important source of supplies for European illicit firearms markets; this is also the case in Belgium. According to the Belgian police services, the organised smuggling of firearms is primarily intended for the criminal market and is usually undertaken to fulfil a specific order and in quite small quantities.<sup>88</sup>

The firearms that are currently being smuggled into Belgium come primarily from the Balkans.<sup>89</sup> These weapons generally have a long history behind them. They were often surplus weapons, firearms originating from plundered weapons storage facilities, or weapons that in one way or another ended up in the hands of a wide range of non-state players during the conflict in the former Yugoslavia in the 1990s.<sup>90</sup> It is unclear at what specific time the smuggled guns that are now available on the Belgian black market first entered the EU. Although the Balkans area is currently considered as the prime source for firearms smuggled into Belgium, firearms are also being smuggled from neighbouring countries and other EU member states. Often these are weapons that – whether or not via intermediaries – have been circulating in the criminal world for some time.<sup>91</sup>

Firearms are mainly smuggled by road in various types of vehicles (such as cars, passenger buses or vans used by courier companies).<sup>92</sup> The weapons are hidden in the trunk, behind a false wall, or even in the tyres or petrol tank of these vehicles.<sup>93</sup> Since the smuggling of firearms is often secondary to, for example, drug smuggling, it is not surprising that these weapons are smuggled via the routes that are used for smuggling drugs.<sup>94</sup> Two main routes are used for smuggling firearms from the Balkans to Western Europe: the southern route via Italy or Austria and the northern route via Hungary. Smuggling gangs currently seem to prefer the latter route.<sup>95</sup> With the abolition of the EU's internal borders and the frequently ineffective control of its external borders, it is relatively easy for people to smuggle weapons into

Belgium. According to the police, it is very difficult to effectively monitor this.<sup>96</sup> The police are convinced that, in addition to smuggling by road, weapons are also smuggled via ships that dock in the port of Antwerp. They point out that this route is also extremely difficult to monitor. These weapons are, however, generally not intended for the Belgian illicit market: Belgium is considered more as a transit country for organised smuggling via maritime traffic.<sup>97</sup>

According to Europol, the violent conflicts on the periphery of Europe will lead to an increase in the availability of firearms on the illicit market in Europe.<sup>98</sup> A similar view was expressed several times in our interviews, with the emphasis often being laid on the imminent nature of this threat. Various Belgian police agencies point out that smuggling weapons from Ukraine will likely become a major problem in the near future.<sup>99</sup> The police expect that this country will become even more important as a source of especially Kalashnikov-type assault rifles and possibly also other types of military-grade equipment.<sup>100</sup> Some interviewees also pointed to the danger of future firearms smuggling from North Africa and Syria. Reference was also made to Turkey as a possible transit country, considering its size, its porous borders, the fragile situation in some of its neighbours and the observation that the country is a hotspot for various types of smuggled goods.<sup>101</sup>

It is difficult for the police to sketch a specific profile of the criminal associations that smuggle firearms. This is partly due to a lack of reliable and detailed data and because of the finding that firearms smuggling is seldom the main activity of a gang of smugglers. In the vast majority of cases a small number of firearms are smuggled to fulfil a specific order, together with much more lucrative products such as drugs or trafficked people.<sup>102</sup> Earlier research has indicated that groups that smuggle firearms are often small, have a loose structure and only work together for a short time.<sup>103</sup> In general, firearms smugglers are not part of large-scale and structured criminal organisations, but are mainly people who are in contact with others who have some kind of links to firearms and take advantage of the opportunities that arise. The police also point out that a link often exists between these groups and the source country of the smuggled firearms.<sup>104</sup>

Not all the smuggling of firearms to Belgium results from orders from criminal groups and is well organised. People interested in firearms have taken advantage of the differences in national firearms legislation across the EU by ordering firearms, components or ammunition in countries with more liberal legislation. Such people acquire these products by ordering them online and having them shipped by post or by travelling to these countries themselves to legally buy one or more firearms there and illegally bring them back to Belgium. According to the Belgian police, these so-called 'self-shoppers' generally do not buy lethal-purpose firearms, because

this requires having the right (criminal) connections in the source country; instead, they are more concerned with the smuggling of alarm pistols or deactivated weapons that are sold legally in the source country.<sup>105</sup>

### 2.3.2 Illicit firearms production

The illicit production of firearms is not an important source of weapons for the European illicit firearms markets. The vast majority of firearms that circulate were initially produced and stocked legally, but at some stage leaked into the illicit market.<sup>106</sup> There are a number of exceptions, though, such as homemade firearms that were produced in Croatian firearms workshops and have also been found across Europe, such as machine pistols of the R9 Arms, Agram 2000 and Šokac types.<sup>107</sup>

In the period 2009-2015 the Belgian police recorded 79 cases of the illicit production or repair of firearms. Most of these cases involved firearms of the types that need to be licenced (47 cases), but also involved prohibited firearms (23 cases). Furthermore, the police recorded nine cases of the illicit production or repair of ammunition and ten cases of the illicit production of firearms components or accessories.<sup>108</sup>

Europol warns that technological progress will make 3D printing widely available in the future, and this will also offer opportunities for the illicit production of and trade in firearms. It is, however, highly unlikely that 3D printing of firearms will grow into an important source of weapons because of the technical complexity involved in this type of printing and the availability of relatively cheap firearms on the illicit firearms markets in Europe.<sup>109</sup> According to the Federal Police, to date no 3D-printed firearms have been encountered in Belgium.<sup>110</sup>

The illicit craft production of firearms is rather exceptional in Belgium, however.<sup>111</sup> Yet currently a considerable number of firearms are available on the Belgian illicit firearms market that, with the use of the right tools, were converted into lethal-purpose firearms from either deactivated firearms or alarm or gas pistols.<sup>112</sup> This type of conversion is considered a very important source of weapons on the illicit firearms market in Belgium (see below), and the phenomenon has also been noted in several other European countries. Europol has pointed out that illicit firearms dealers have taken advantage of differences between the various national legislative frameworks in Europe to legally acquire deactivated firearms or blank-firing weapons and then illegally convert them into lethal-purpose firearms.<sup>113</sup> In the following sections we will elaborate on these dynamics.

### 2.3.3 Illicit conversion of alarm and gas weapons

The number of converted alarm and gas pistols has shown a sharp increase on the illicit firearms markets in various European countries since the early 2000s. Such converted firearms are also found in Belgium. Yet seizures rarely involve converted alarm pistols that have been approved by the Proof House in Liège.<sup>114</sup>

In the past the converted alarm pistols encountered in Belgium were often made in Italy. Especially alarm pistols of the Tanfoglio brand were converted (in particular the GT28 model<sup>1</sup>) and used in certain branches of the criminal world.<sup>115</sup> However, Tanfoglio stopped the production of the GT28 several years ago, precisely because of the persistent conversion of these alarm weapons in several European countries. The converted alarm and gas pistols currently encountered on the Belgian illicit firearms market are primarily manufactured in Turkey, such as the Ekol (Voltran), Zoraki (models 914, 918 and 925) and EKOL ASI.<sup>116</sup> These weapons are offered for sale on the internet, and are very cheap, easy to convert and of higher quality than the Tanfoglio GT28.<sup>117</sup>

Converted alarm pistols are mainly encountered among drug-related criminals and petty offenders. In some cases the owners have themselves converted these alarm pistols after purchasing the weapons abroad or on the internet. The weapons are converted in Belgium, and training videos are available on the internet showing how to do it. In other cases the alarm pistols are smuggled – to a large extent from Turkey – into Belgium and converted before they are sold on the Belgian illicit firearms market.<sup>118</sup>

### 2.3.4 Illicit reactivation and assembly of firearms

Since 2014 Europol has observed a significant increase in the supply of poorly deactivated and reactivated firearms to criminals in Europe.<sup>119</sup> Reactivated and self-assembled firearms constitute a significant share of the firearms available on the illicit market in Belgium.<sup>120</sup> A number of examples illustrate this. In 2011 various reactivated firearms were found in a large firearms trade network in Brussels, including an Uzi machine pistol that had once belonged to the former Gendarmerie, but, after the police reform, had been deactivated and sold to a firearms collector.<sup>121</sup>

<sup>1</sup> This is a non-lethal-purpose version of the semi-automatic Tanfoglio GT27 pistol. In appearance, the two models are barely distinguishable from each other and the GT28 can very easily be converted into a lethal-purpose weapon. For more information, see De Vries, M.S. (2008), *De handel in omgebouwde gas- en alarmwapens: Vanuit een criminaliteitskundig perspectief*, Apeldoorn: Politieacademie, pp. 23-24.

Also in recent years, several people have been apprehended on suspicion of assembling firearms or reactivating deactivated firearms. In 2015, for example, the police seized more than 250 firearms, accessories and rounds of ammunition in Lennik (Flemish Brabant) for which the owner did not have a licence. The weapons included handguns, semi-automatic rifles and assault rifles.<sup>122</sup> On several previous occasions large stocks of unlicensed firearms had been discovered at his home. The police had suspected the man for years of reactivating deactivated firearms.<sup>123</sup>

The 'handymen' who assemble or reactivate these firearms to a large degree depend on the legal firearms market for buying the necessary firearms parts and deactivated firearms (both domestically and abroad).<sup>124</sup> Most reactivated firearms that are available on the illicit firearms market were poorly deactivated in other countries. A large proportion of the reactivated firearms that are found in Belgium originate from Slovakia. These are often surplus weapons of East European armed forces that were deactivated in recent years and converted into acoustic weapons. In recent years Slovakian shops have legally sold these deactivated firearms to adults on the presentation of an identity card. It was, however, fairly easy to reactivate many of these firearms, which was common knowledge in the criminal world and among people interested in firearms. As a result firearms deactivated in Slovakia cropped up on the illicit circuit throughout Europe. According to the German Federal Criminal Police, Slovakian gun shops sold large quantities of deactivated firearms to foreign customers in recent years.<sup>125</sup> Some of these firearms were reactivated and ended up in the hands of criminals and terrorists (see section 2.2.2).

A number of people in Belgium who possess enough expertise and skills to reactivate weapons have connections to the criminal world. The reactivation process is not undertaken by large-scale criminal organisations, but rather by a limited number of 'handymen' who have the necessary expertise, skills and tools.<sup>126</sup> A notorious example of such a handyman was Nordine Amrani, the perpetrator of the fatal shootings at the Liège Christmas fair in December 2011. During a search of his premises in October 2007 the police had discovered, in addition to a professional cannabis plantation, a dozen firearms and around 9,500 firearms parts in a shed. As well as handguns, the firearms included an AK-47 assault rifle, an FN FAL assault rifle, an MP40 machine pistol and a pump-action shotgun. A rocket launcher, silencers and hundreds of rounds of ammunition were also found.<sup>127</sup> However, Amrani was not an isolated case.

In Belgium, two types of handymen can be identified as being involved in reactivating and self-assembling weapons, with each type seeming to supply their own market segment. On the one hand, in some cases they are people who reactivate historically interesting firearms and sell them to people who have no criminal or

terrorist intentions, but only want to collect weapons. On the other hand, a limited number of handymen in Belgium mainly assemble or reactivate firearms for the criminal world.<sup>128</sup> It should be mentioned that the same people often crop up in criminal cases and have a strong link with certain criminal milieus like OMGs.<sup>129</sup> Having a handyman or not in their network can have important consequences for certain criminal milieus in terms of obtaining weapons.<sup>130</sup>

Reactivating firearms is sometimes thought of as a Belgian speciality.<sup>131</sup> In Belgium, there is considerable knowledge about firearms, partly due to its history as a firearms-producing country. Unsurprisingly, some handymen work or have worked in the legal firearms industry or are still connected to it in some way.<sup>132</sup> According to the Federal Police, assembling and reactivating firearms for the illicit market is not a typically Belgian phenomenon, but a practice that has been identified throughout Europe, especially in the regions that manufacture firearms.<sup>133</sup> Earlier research has shown the important role of the firearms producer FN Herstal in the large number of Belgians who have the technical expertise to assemble or reactivate firearms.<sup>134</sup> In 2015, for example, four former FN Herstal employees were arrested after the police had discovered about 50 firearms and a number of hand grenades behind false ceilings and skirting boards at their home. According to the police, these men used their professional know-how to reactivate legally purchased deactivated firearms in order to sell them on to the criminal world.<sup>135</sup> Belgian police crime figures also show that the illicit production of firearms is particularly prevalent in the province of Liège, where FN Herstal is located.<sup>136</sup>

### 2.3.5 Blackening

The 'blackening' of firearms is a type of embezzlement that is the mirror image of money laundering: when a weapon is blackened a paper reality is created to allow firearms that are legally available to disappear into illegality. This can take place in various ways, such as organising fake exports or reporting a firearm to the police as 'stolen' or 'lost', even though the firearm in question is still in the person's possession. Private individuals in Belgium frequently used this last form of blackening in the period after the tightening of the 2006 Weapons Act (see section 1.1).

Blackening is not restricted to private individuals who want to make small numbers of firearms disappear in order to be able to retain them. In Belgium, there are examples of blackening of large quantities of firearms with the intention of selling them on the illicit firearms market. The Federal Police have pointed out the practice where people used forged import licences to purchase firearms on the legal firearms market abroad.<sup>137</sup> In this way, hundreds of firearms of various types have



ended up on the Belgian illicit firearms market in the last few years. The Belgian police, for example, rounded up a number of men in 2015 who pretended to be certified firearms dealers and ordered firearms directly from a German firearms manufacturer using forged import documents from the Walloon Region. The men are said to have imported around 200-250 firearms in this way and sold them on the illicit firearms market.<sup>138</sup>

Legal firearms dealers can also play a role in blackening activities, often precisely because of their firearms expertise and their knowledge of legislation and procedures.<sup>139</sup> In recent years a limited number of authorized firearms dealers have been arrested and convicted for trading in illicit firearms. A licensed firearms dealer from Beveren (Antwerp), for example, was convicted in 2008 of the illicit sale of 773 firearms and around 3,000 rounds of ammunition between January 2004 and March 2006. He sold these items primarily to a Belgian and a Dutchman, after which some of these firearms ended up in the Dutch criminal world.<sup>140</sup> More recently, a recognised firearms trader from the Mons region, who was also the chair of a shooting club, was apprehended on suspicion of illicit firearms trading. A total of 367 firearms of various types, including military-grade assault rifles,<sup>1</sup> and a large amount of ammunition were found at the man's premises. It was not immediately clear which weapons the man held legally, but the police suspect him of supplying firearms to organised crime networks.<sup>141</sup> Despite these examples, the Belgian police state that the overwhelming majority of legitimate arms dealers are not involved in blackening activities because they do not wish to jeopardise their authorisation as arms dealer or risk their legally acquired stock of weapons.<sup>142</sup>

Not only private individuals and arms dealers can embezzle firearms in Belgium. In October 2016 the director of the Proof House was arrested on suspicion of firearms trafficking. He is believed to have misused the lack of a reliable inventory at the Proof House to embezzle 260 firearms that were supposed to be destroyed, but he denies these charges, stating that these weapons were not destroyed because of their historical value and were supposed to be transferred to museums.<sup>143</sup>

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1 The police found a loaded Glock 17 pistol, an FN GP 9 mm pistol, a Browning 7.65 mm pistol, a Skorpion vz.61 machine pistol, two Mini Ruger-14 carbines with silencers, an AKSU assault rifle with a silencer and a Colt AR-15 rifle. At the shooting range the police found 125 pistols, 59 revolvers, 63 carbines, 68 rifles, 14 assault rifles, several machine guns, 28 machine pistols and hundreds of rounds of ammunition of various calibres.

### 2.3.6 Theft

On average the Belgian police record around 850 thefts of firearms, firearms components and/or ammunition each year (see Table 3). This means that at least 850 firearms per year are stolen in Belgium, since a police record can refer to one firearm or more. Based on police data and media reports<sup>144</sup> we can conclude that a wide range of types of firearms are being stolen in the country.

**Table 3: Number of police records of thefts of firearms and explosives according to type of firearm, 2009-2015<sup>145</sup>**

	2009	2010	2011	2012	2013	2014	2015
Handguns	246	240	257	289	302	274	265
Rifles/carbines/machine guns	272	252	262	288	266	293	274
Alarm weapons	140	140	165	174	189	176	161
Collectable/antique firearms (before 1886)	5	8	10	7	10	7	2
Total number of recorded thefts of firearms	779	861	882	940	924	852	827
Cartridges/ammunition	169	134	153	175	155	136	136
Components and accessories	118	249	224	244	228	170	213
Total number of recorded thefts of firearms and explosives	1,728	1,839	1,893	2,011	1,863	1,790	1,637

Source: Belgian Federal Police

Most firearms thefts occur in private homes.<sup>146</sup> This is partly the consequence of the relatively high level of legal firearms ownership in Belgium. This largely includes relatively small quantities of weapons that are stolen at the same time. Thieves who come across guns during a burglary generally take the firearms with them along with other valuable items in order to sell them later. These gangs do not generally sell the stolen firearms directly to other criminals, but to fences who are known to buy and sell arms on the criminal circuit.<sup>147</sup>

Besides private homes, firearms have in recent years been stolen from a variety of other locations. In the legal firearms sector, for example, burglaries occasionally take place during which dozens of firearms are stolen at once. Several cases are known of firearms thefts from shooting ranges or firearms shops. In 2013, for example, 47 firearms were stolen from a shop (where there was also a shooting

range) in Knokke (West Flanders) and some of these weapons were later found in the Dutch criminal circuit, including with an OMG.<sup>148</sup> Belgian firearms manufacturers have also been victims of major arms theft. In 2007 the Hasselt criminal court convicted eight men and one woman for their involvement in arms theft and the illicit arms trade. These men included an arms maker from FN Herstal, who stole rejected spare parts of firearms from the factory floor and assembled them at home into lethal-purpose weapons. Two security guards at the ammunition storage depot in Zutendaal (Limburg) also stole cartridges and magazines. The key figure in this gang of thieves was employed as a porter and was responsible for selling the arms. The gang stole at least three P90 rifles, 15 Five sevenN pistols and 20,600 cartridges.<sup>149</sup> The number of robberies of firearms dealers, shooting ranges and arms manufacturers is believed to have declined sharply in recent years as a result of the strict storage requirements prescribed by the Weapons Act and the associated security measures.<sup>150</sup>

Other locations where firearms theft takes place in Belgium are from stockpiles of the Belgian armed forces or the police, but this happens rarely. In burglaries of police stations the perpetrators mainly steal handguns, while mostly assault rifles and ammunition are stolen from army barracks.<sup>151</sup> In 2013 a major theft of firearms was discovered from the main police station in the Antwerp MINOS police zone (which includes Mortsel, Wijnegem, Wommelgem, Boechout and Borsbeek). The police picked up the trail after a firearm wrapped in a plastic bag was found in the cistern of a toilet in a criminal haunt in Ghent. A check revealed that this weapon was registered as a service weapon, and the police then discovered that 67 weapons had disappeared from the MINOS police zone. These were old police service weapons (Browning GP35 pistols and Smith & Wesson revolvers). Instead of their being destroyed by the Proof House, they were kept under lock and key at the police station. The weapons had probably been stolen over a fairly long period of time by one of the police officers. The police suspect that all 67 firearms have ended up in criminal circles.<sup>152</sup> In the past, thefts have also been discovered from army barracks. This sometimes includes the theft of assault rifles and grenade launchers. The army suspects that these thefts often take place with the knowledge and consent of military personnel.<sup>153</sup>

Our interviews indicate that the *modi operandi* of these thefts differ considerably according to the type of location where the theft occurs. The theft of firearms from private homes frequently takes place by chance, for example during a run-of-the-mill burglary, while the thefts of firearms from arms dealers or shooting ranges are generally deliberate actions that occur in a more organised way.<sup>154</sup> In addition, it is known that many registered thefts at private homes are in fact attempts to embezzle these weapons (see section 1.3.3). The more organised thefts from, for example, firearms trade businesses can be illustrated by a failed robbery at the end of 2016.

Three Dutchmen drove to Knokke (West Flanders) on three consecutive nights to burgle a firearms trade business. Each night, two of the men went round to the back of the premises, where they spent hours hitting the wall with a sledgehammer, while the third kept watch in the car. The arms trader discovered what was happening and notified the police, who were able to apprehend the men.<sup>155</sup>

### 2.3.7 Non-regularised firearms

There is consensus among the judicial and police services involved that the largest group of illegal firearms owners in Belgium are people without any connections to criminal or terrorist networks. These are people who, at some time or another, purchased their firearms legally, but have not regularised them after the changes to the law in 2006 (the implementation of the Weapons Act) and 2012 (the abolition of freely available antique firearms on the HFD list<sup>1</sup>) or no longer meet the conditions for the legal possession of their firearms.

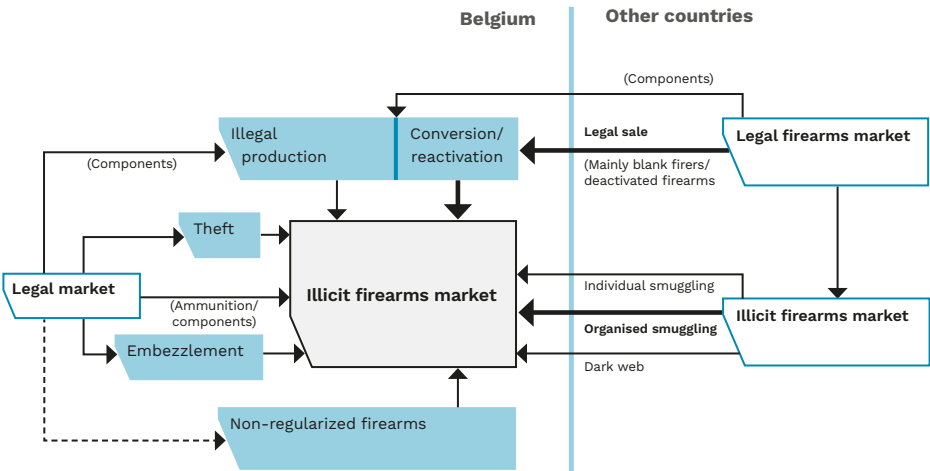
Especially the severe tightening of the Weapons Act in 2006 has had an important impact on illicit firearms possession in the country, because many hunting and shooting weapons previously freely purchasable on the mere presentation of a valid identity card became subject to licensing requirements. A large number of previously legal firearms owners failed to comply with the new rules and continued to illegally own their firearms. According to the police, these owners of illegal weapons generally do not seem to have criminal intentions, but simply do not wish to go through the licensing procedure.<sup>156</sup> However, a number of people have illicitly sold on their weapons. In this way, an unknown number of firearms have found their way onto the illicit firearms market and thus have possibly ended up in the hands of criminals.

After the abolition of the HFD list (the list of antique firearms for which no licence was required) in 2013 a similar dynamic can be observed. The owners of weapons previously on the list were given until the end of May 2014 to register them. Although tens of thousands of such weapons were sold in Belgium between 2007 and 2013, only 6,000 HFD weapons were registered after the abolition of the HFD list.<sup>157</sup> An unknown number of HFD weapons have found their way onto the illicit firearms market. In 2011 the Brussels Federal Judiciary Police dismantled a large arms trafficking network in which HFD weapons were traded. According to the police, Nagant revolvers in particular were valued in criminal circles because large supplies of ammunition were available and because it is the only HFD revolver that

1 Firearms with historical, folklore or decorative value.

can be efficiently fitted with a silencer.<sup>158</sup> In recent years, however, not many HFD weapons have been encountered in criminal circles in Belgium.<sup>159</sup> This is probably because large numbers of these HFD weapons have left the country. Because a number of HFD weapons required a licence in other European countries and they were freely available in Belgium, many foreigners came to Belgium to buy their weapons legally, for example at arms fairs, and then (often illicitly) took them back to their own countries.<sup>160</sup> In this way Belgium was a source country for illicit firearms possession in other European countries. In the period 2010-2012 many Nagant revolvers that had been on the Belgian HFD list and could be freely purchased for around €170 were encountered in Dutch criminal circles. In 2012 someone was shot dead in the Netherlands with such a revolver.<sup>161</sup>

Figure 2: Sources of the illicit firearms market in Belgium



2.4 Transactions on the illicit firearms market

Our expert interviews strongly indicate that the illicit firearms market in Belgium is a closed entity that can only be accessed by those with the right (criminal) connections. Moreover, trust plays an important role in the firearms market: buyer and seller must trust each other. As a result, not every person and not even every criminal finds it easy to acquire a firearm. Given the importance of (criminal) connections and trust between buyer and seller, it is not surprising that most firearms

transactions happen face to face. The actual transfer of firearms can take place in a wide variety of settings, while there is also no specific profile for illegal arms dealers in Belgium. In general, a distinction can be drawn between people for whom selling a firearm or a small amount of firearms on the illicit market is a one-time activity, and those who are more actively involved in firearms trafficking – specifically, those who sell firearms to the criminal world.<sup>162</sup>

Earlier Dutch research has shown that the illegal owners of lethal-purpose firearms are mainly criminals who ‘have outgrown the level of petty criminal’.<sup>163</sup> Such criminals have a wide-ranging network of contacts and have often made a name for themselves in the criminal world. It is generally quite easy for them to obtain good firearms. Lower-ranking, often-younger criminals do not have the same connections and tend not to have easy access to genuine firearms, and so often resort to fake guns and gas or alarm guns.<sup>164</sup> This observation is confirmed by the Belgian Federal Police: young and lower-ranking criminals in Belgium generally possess and use converted alarm pistols, antique firearms or even fake guns, while the more experienced, more organised and higher-ranking criminals are generally not satisfied with such weapons (for practical and status reasons) and prefer to obtain real firearms via their networks. Certain groups consciously opt for weapons with a ‘good’ reputation and higher status in the criminal world, such as Glock pistols, and are prepared to pay more for them.<sup>165</sup>

Military-grade assault rifles are also present on the illicit gun market in Belgium. Although reliable statistics are lacking, the Belgian police stress that these weapons constitute a very small minority of the firearms on the market and that their availability is generally limited to ‘heavy’ criminals who commit serious crimes.<sup>166</sup> Most of the military-grade assault rifles on the illicit firearms market have been smuggled from the Balkans, while other types of firearms originate from a geographically much wider area.<sup>167</sup> In 2010 some police representatives stated that a new group of young criminals had appeared on the Brussels crime scene<sup>1</sup> who seem to have had easy access to assault rifles.<sup>168</sup> However, according to the Federal Judiciary Police, the significant presence of reactivated firearms and converted alarm weapons in the criminal milieu demonstrates that the availability on the Belgian

<sup>1</sup> This new group differed markedly from the older generations of criminals. They were generally not really organised and worked together in a loosely connected way. They operated in small groups of at most three and with a continuously changing composition. Most came from a number of districts in Brussels. They were often minors and did not appear to have a real strategy. Their choice of targets and modus operandi were often characterised by a high degree of impulsiveness. This was expressed in extremely violent behaviour and the casual discharge of their weapons. This development was often attributed to a sudden large increase in the availability of heavier weapons, e.g. assault rifles.

criminal market of military-grade firearms smuggled from the Balkans and other (post-)conflict areas should not be overestimated.<sup>169</sup>

The differences in availability are also reflected in the prices for these weapons on the black market. In general, converted alarm weapons are the cheapest (maximum €400). Most real handguns are sold for €500-1,000. Glock pistols, which have a very good reputation and high status in the criminal world, generally cost €1,000-2,000. Kalashnikov-type assault rifles are more expensive and cost around €2,000-2,500.<sup>170</sup> We have to interpret these prices very carefully, given that these estimates are based on a small number of cases. In addition, the prices of firearms on the illicit firearms market are strongly dependent on typical market conditions such as supply and demand. Other factors influencing prices are, among others, the type of firearm, its quality and origin.<sup>171</sup>

Interestingly, the Brussels Federal Judiciary Police have observed a decrease in firearms trafficking cases in Brussels since the terrorist attacks in Paris and Belgium in 2015-2016. They believe this is related to the increased focus of law enforcement agencies on terrorism and terrorist-related activities such as firearms trafficking. It seems like firearms traffickers have become aware of the perceived increased risk of getting caught and the heavier penalties if there is a link with terrorist networks. This seems to have resulted in some of them displacing their trafficking activities to other Belgian cities, especially since selling firearms on the criminal market is not a very lucrative business in Belgium. This evolution is believed to have also impacted both the availability of assault rifles in Brussels and current prices. Kalashnikov-type assault rifles are now for sale for €2,000-3,000 (instead of approximately €1,200 it was previously sold for in Brussels), while Glock handguns are for sale for approximately €3,000 (the price was approximately €1,000 a few years ago).<sup>172</sup>

Although most transactions happen face to face, both criminal networks and ordinary citizens are also known to buy firearms online. The growing online buying of firearms has led to an increased use of the postal services to transfer firearms within Europe. Europol expects that the online illegal trade in firearms will expand further in the future.<sup>173</sup> The Federal Prosecutor's Office states that a significant number of firearms are illegally shipped through the post.<sup>174</sup> According to the Belgian police, it is very difficult to effectively monitor the internet.<sup>175</sup> The police are particularly worried that it will become easier for those without criminal connections to illegally acquire firearms and that these people will no longer have to move around physically to acquire these products, which hinders the effective detection of this type of trafficking.<sup>176</sup> Data specifically requested for this study show that between 2009 and 2015 the Belgian police recorded 85 cases of the illegal sale of firearms for which licences are required by mail or off the internet. The internet's facilitating

role can be illustrated by a recent court case: in 2016 a Belgian IT professional was convicted of using the dark web to order a Kalashnikov assault rifle with 8,000 bullets, a Glock pistol with 2,000 bullets and a silencer from a seller in the United States. The man explained that he wanted to buy these weapons to protect his family against the so-called Islamic State of Iraq and Syria (ISIS).<sup>177</sup> Unfortunately, the limited information currently available on illegal internet sales of firearms makes it impossible to determine trends and evolutions of this phenomenon in Belgium.

### 3. Terrorist access to the illicit firearms market in Belgium

Like several other EU member states, Belgium has witnessed a number of Islamist terrorist attacks and threats inspired or ordered by ISIS in recent years. In some instances terrorists answered ISIS's call to make use of easy-to-obtain weapons at hand, like the stabbings of soldiers in the streets of Brussels in August 2017, and of policemen in Charleroi in August 2016 and Schaarbeek in October 2016. In other cases Islamist terrorists in Belgium have relied on more sophisticated weapons. In the double attack on Brussels Airport and the city's metro on 22 March 2016 and the failed bomb attack in the Brussels central train station in June 2017 they used explosives. Firearms have also been used in some of the recent terrorist incidents in Belgium.

Belgium's confrontation with terrorism is not new, nor does it exclusively involve Islamists. During the last 30 years the country has experienced threats and violence from both Islamist and other forms of terrorism. Noteworthy examples of Islamist terrorism are the Zaoui network (a propaganda and fund-raising cell of the Algerian Groupe Islamiste Armée), which was neutralised in 1995,<sup>178</sup> and the activities of Nizar Trabelsi, who was arrested just prior to carrying out a planned suicide attack on a US military base in Kleine-Brogel a few days after the 11 September 2001 attacks in the United States.<sup>179</sup> Especially in the early 1980s<sup>1</sup>, significant left- and right-wing terrorist violence has also been apparent,<sup>180</sup> These kinds of networks with the potential for violent actions are still currently active in Belgium.

<sup>1</sup> Nationalist Palestinian terrorist incidents also occurred in this period. At the beginning of the 1980s two lethal terrorist incidents took place in Antwerp. Both were linked to the tensions in the Middle East, in particular between Israel and Palestine, and were prompted by nationalist Palestinian and anti-Jewish/anti-Israeli motives (VRT NWS, 'Terreur in België, een overzicht', 22 March 2016, <http://deredactie.be/cm/vrtnieuws/binnenland/1.2609157>).



Importantly, throughout the last three decades Belgium has not only been the site of terrorist attacks: it has also functioned as an important logistics base for terrorist cells involved in organising attacks and providing, among other things, propaganda, recruitment, training, housing and weapons.<sup>181</sup> This observation is still relevant today. An important example is the high number of terrorist fighters leaving Belgium to join ISIS: since the start of the Syrian civil war 380-481 people have left Belgium to fight for ISIS in Syria or Iraq, making it the European country with the highest number of such migratory fighters per capita.<sup>182</sup>

In this section we specifically address terrorist access to the illicit firearms market in recent years. There are clear distinctions in the possession and use of firearms among different types of terrorist networks in Belgium. Although in the past firearms have been found in the possession of left-wing terrorist groups,<sup>183</sup> such groups generally no longer use or even possess them, given that their current *modus operandi* mainly involves arson, letter bombs, sabotage and intimidation. According to the police, some members of these groups could have access to firearms through contacts with serious criminals, but they apparently deliberately choose not to use firearms in their activities.<sup>184</sup> Firearms possession and use among contemporary terrorist groups in Belgium are therefore limited to Islamist and right-wing terrorist networks.

### **3.1 Firearms among Islamist terrorist networks**

#### **3.1.1 Possession and use of firearm**

Islamist networks in Belgium have carried out various terrorist attacks in recent years. Firearms have been used in a number of these attacks; for example, the shooting in the Jewish Museum in Brussels in May 2014, and the gunfights between terrorists and the police in Verviers in January 2015 and the Brussels commune of Vorst in March 2016. In addition, a terrorist attack with firearms was foiled on the Thalys train between Brussels and Paris in August 2015. Previous analyses of the firearms used in terrorist activities in Europe clearly indicate a preference for automatic assault rifles, such as Kalashnikov-type rifles.<sup>185</sup> This pattern can also be observed in Belgium, because such weapons were used in the three shootings referred to above and in the foiled attack on the Thalys train. The availability of military-grade firearms to Islamist terrorist networks in Belgium is not a new phenomenon. In 2003 Nizar Trabelsi, a Tunisian national who lived in Belgium and was connected to al-Qaeda, was convicted of plotting a terrorist attack against the US military base in Kleine-Brogel. During a house search following his arrest in 2001 the police found an Uzi machine pistol.<sup>186</sup>

The most lethal terrorist attack in Belgian history occurred on 22 March 2016, when 32 people were killed during suicide attacks using explosives at Brussels Airport and in the Brussels metro. Although no firearms were used in these attacks, the perpetrators did have firearms at their disposal. On pictures taken by the perpetrators in their safe house shortly before the attacks three Vz.58 automatic assault rifles, a Kalashnikov, two pistols and a pump-action shotgun can be identified.<sup>187</sup> In an audio message dating from the day before the Brussels attacks that was later found on a computer dumped near one of the safe houses, one of the perpetrators stated that they had decided not to use their firearms because they felt they were not equipped with sufficient magazines. They also feared that many people would be able to escape the attacks if firearms were used and they were deterred by the soldiers patrolling the streets. Instead of using their firearms, they chose only to use explosives, to increase the number of fatalities.<sup>188</sup> It is believed that the firearms in their possession in their safe house were transferred to a box garage a couple of days before the attacks. OCAD confirms that considerable resources were used to search for these weapons. After the attacks the Belgian police searched over two hundred box garages in Brussels, but without success.<sup>189</sup> The Federal Prosecutor's Office suspects that the perpetrators of the attacks left behind an arsenal of firearms for the next wave of terrorists.<sup>190</sup>

In the second half of 2017 there were three developments in this case. Firstly, in early July there appeared to be a breakthrough in the investigation after the finding of several Kalashnikovs, ammunition, detonators and police uniforms in a box garage in Anderlecht. According to the Federal Public Prosecutor's Office, however, this find was not connected to the investigations of the Brussels attacks. Indications pointed towards radicalised members of the Kamikaze Riders,<sup>1</sup> a motorcycle gang that had been suspected of plotting a terrorist attack during the Brussels fireworks display on New Year's Eve in 2015.<sup>191</sup> Secondly, later in July 2017 the media reported a school in the province of Limburg to be a potential hiding place for the Brussels terrorists' hidden firearms arsenal. On two separate occasions security services searched the school's premises, but with no result. Given the traces of a break-in they found and the fact that the school janitor was related to one of the perpetrators of the Brussels attacks and died fighting for ISIS, they are confident that the weapons had been hidden in the school for some time but were moved before the attacks of 22 March 2016.<sup>192</sup> Thirdly, in September 2017 a Brussels local police officer was arrested on suspicion of leaking sensitive police information to terrorism suspects. According to some police officers, this may help to explain why the weapons arsenal

<sup>1</sup> In 2016 two members of the Kamikaze Riders, Saïd Saouti and Mohamed Kerai, were convicted of belonging to a terrorist group and recruiting youngsters for jihad.

has not yet been found, in spite of numerous searches that were often based on concrete clues.<sup>193</sup>

Since the attacks of 22 March 2016 numerous house searches and arrests have been carried out in Belgium as part of separate terrorist investigations. However, firearms were almost never found in these searches.<sup>194</sup> This could indicate that Belgian terrorist networks' level of firearms possession is lower than it is perceived to be. On the other hand, it is also possible that law enforcement agencies have not yet discovered the hiding place of these weapons, because they do not have an exhaustive overview of the safe houses and storage facilities used by terrorist networks.<sup>195</sup> Also, these networks tend not to store their firearms in their immediate environment, but to keep them hidden until the moment of (once-only) use.<sup>196</sup>

Apart from the attacks with firearms and explosives, there is also concern in Belgium about what the Federal Prosecutor's Office calls the 'proletarianisation of terrorism'. This refers to an evolution towards terrorists' use of a wide range of 'weapons', including ordinary consumer goods and vehicles.<sup>197</sup> Islamist terrorists appear to use two types of weapons. They often possess and use firearms when ISIS is the driving force, because as a result they generally have more access to and expertise in the use of firearms and explosives. Lone wolves and younger, less experienced perpetrators, on the other hand, tend to have less access to assault rifles and are more inclined to opt for more everyday weapons.<sup>198</sup> For example, in August 2016 two police officers were attacked with a machete at police headquarters in Charleroi. The perpetrator, who was of Algerian origin and residing illegally in Belgium, was immediately shot, and later died in hospital.<sup>199</sup> With regard to this type of attack, the Federal Police and OCAD refer to the importance of ISIS online publications such as *Dabiq* and *Rumiyah*, which call for terrorist acts to be committed with whatever means are available.<sup>200</sup>

### 3.1.2 Obtaining fully automatic assault rifles via the criminal milieu

The link with the criminal milieu is of crucial importance for terrorist networks' acquisition of firearms, especially when there is a preference for automatic assault rifles, (for which the possibilities for legal possession are exceptional in Belgium).<sup>201</sup> This can also be noted when we analyse the way in which the weapons used by terrorists in Belgium were acquired: the firearms found in Verviers and Vorst and those used at the Jewish Museum originated from the criminal illicit firearms market.<sup>202</sup> A similar picture emerges from an analysis of the attacks of 22 March 2016 in Brussels and 13 November 2015 in Paris. It was no coincidence that almost all the (Belgian) perpetrators of these shootings had criminal antecedents. Some

were no longer petty criminals and a number had connections in the criminal milieu that allowed them to obtain automatic assault rifles.<sup>203</sup> An April 2017 seizure of cannabis and two handguns from former friends of Abdelhamid Abaaoud and Salah Abdeslam confirmed the availability of firearms in their network.<sup>204</sup>

Assault rifles were also used in the gunfight in Verviers. After the gunfight the police found seven firearms, ammunition and the products needed to produce TATP explosives in the safe house used by the terrorist group. Among the firearms were three Kalashnikov-type assault rifles (Zastava M70 AB2, FEG S90 and a WIESA brand assault rifle), three pistols (BUL M-5, CZ M88A and a Tanfoglio 9 mm Parabellum) and one revolver (Hammerless Velo-Dog).<sup>205</sup> Marouan El Bali, the only surviving terrorist participant in the Verviers gunfight, was sentenced to 12 years in prison for his role in the terrorist network. The court found evidence that El Bali owned some of the discovered firearms and transported them to the safe house in Verviers, but could not identify which firearms exactly.<sup>206</sup> During the police investigation the defendants gave contradictory versions of how the firearms were acquired,<sup>207</sup> but given the prohibited nature of some of them, these weapons were almost certainly acquired on the illicit gun market, probably in the Brussels area.

This crime-terror nexus in Belgium,<sup>208</sup> particularly in terms of firearms acquisition, is most visible in the case of the El Bakraoui brothers – two of the perpetrators of the Brussels attacks of 22 March 2016 – whom the Belgian Prosecutor's Office strongly suspect of having provided (some of) the weapons used in the Paris attacks of 13 November 2015.<sup>209</sup> This was also stated in an article published in *Dabiq*, an official ISIS English-language online propaganda magazine, which pointed to the brothers as the ones responsible for the acquisition of the firearms and explosives used in this attack.<sup>210</sup> During the attack the perpetrators, who operated in three teams, used at least six firearms. All of these guns were Kalashnikov-type assault rifles (Zastava M70 AB2, AKS47 and Norinco 56-1).<sup>211</sup> The El Bakraoui brothers were able to turn to their previous criminal networks to obtain these firearms.<sup>212</sup> Both brothers had a history of criminal activities involving Kalashnikov-type assault rifles, and were part of a network of violent criminals that used firearms to carry out armed robberies and carjackings. While the members of this network initially used pistols in their operations, they later started to use Kalashnikov-type rifles.<sup>213</sup> In 2010 Ibrahim El Bakraoui opened fire on police officers with a Kalashnikov-type assault rifle while being pursued by police after a failed robbery at a foreign-exchange office in Brussels. He wounded a police officer and was sentenced to ten years in prison. Khalid El Bakraoui was sentenced to five years in prison in 2011 for his involvement in numerous armed carjackings in Brussels.<sup>214</sup> Both brothers are believed to have been radicalised in prison.<sup>215</sup>

Given their antecedents and that one of them rented the safe house (under a false name), it is very likely that the El Bakroui brothers also acquired the assault rifles used in the gunfight with the police when they were living at the safe house in Vorst. In November 2016 two people who belonged to the El Bakraoui brothers' criminal network – Mohammed B. and Aboubaker O. – were sentenced to prison for delivering Kalashnikov magazines to the brothers, but the judge acquitted them of participating in terrorist activities since it could not be proved that they were aware of the brothers' terrorist intentions. Two other members of this criminal network (Yassine L. and Zoher E.H.) were sentenced for acting as intermediaries in these deliveries.<sup>216</sup>

The assault rifle Mehdi Nemmouche used in his attack on the Jewish Museum is also believed to have been acquired on the criminal market. Nemmouche is a French national who was sentenced for violent theft and robbery multiple times and spent five years in prison between 2007 and 2012. There he was radicalised, and immediately after his release in January 2013 he left for Syria, returning to Europe in March 2014.<sup>217</sup> In the afternoon of 24 May 2014 Nemmouche walked to the Jewish Museum in the centre of Brussels and used a handgun to kill two Israeli visitors who were standing at the museum entrance. He then walked into the museum, took out a Kalashnikov-type assault rifle from his sports bag and fired at two museum employees. He then knelt down, put his guns back in his bag and calmly walked out of the museum.<sup>218</sup> Six days after the attack Nemmouche was arrested during a random drugs search at the international Marseille Saint Charles bus station in France while travelling on a Eurolines passenger bus from Amsterdam via Brussels to Marseille. In his jacket customs officers found a .38 revolver, while a Kalashnikov-type assault rifle, 57 rounds of ammunition for the revolver, more than 270 cartridges for the Kalashnikov, gun parts and a portable Gopro camera wrapped up in an ISIS flag were found in his luggage.<sup>219</sup> In July 2014 Nemmouche was extradited to Belgium. During his interrogation he told the police he had stolen his firearms in Belgium from a car through an open window and that he was travelling to Marseille to sell them there.<sup>220</sup> According to the Federal Prosecutor's Office, however, Nemmouche acquired the guns he used in the attack in the Marseilles criminal milieu.<sup>221</sup> In December 2014 the French police arrested a criminal with whom Nemmouche spent several years in prison, on suspicion of selling him the firearms he used in the attack on the Jewish Museum.<sup>222</sup> In January 2017 Spanish police, in collaboration with Europol, dismantled a network that sold deactivated firearms (which did not comply with the existing deactivation standards) and lethal-purpose firearms in several European countries, including Spain, France and Belgium. These weapons were bought through legally established channels and later reactivated.<sup>223</sup> According to Spanish media reports, the investigation into this Spanish network originated in the follow-up to the investigation of the weapons used in the attack on the Jewish

Museum,<sup>224</sup> but it still remains unclear if the guns Nemmouche used were reactivated firearms and if this Spanish network was somehow involved.

According to the Federal Police, there is often no evidence of a specific and explicit division of logistical roles within terrorist networks. It is not generally the intention to deliberately include a firearms supplier when forming (the logistical wing of) such a network. Individuals who obtain firearms for a terrorist network are often already part of it and are then asked to do so because of their expertise and contacts, which make it easier for them to acquire firearms. A terrorist network also sometimes calls on 'externals' to support its terrorist activities. In other words, there is some sort of outsourcing when the network itself does not possess the knowledge or skills that it needs, for example to produce forged identity documents.<sup>225</sup>

Although the firearms used in recent terror attacks were obtained on the criminal market, this does not automatically imply that the seller(s) of these weapons had prior knowledge of the buyers' intentions and were therefore deliberately supporting terrorist activities.<sup>226</sup> For most criminals, a terrorist attack that involves many random victims is often a bridge too far.<sup>227</sup> The criminal underworld also prefers to operate in the shadows, while a terrorist attack attracts massive attention from law enforcement services.<sup>228</sup> Equally, the penalty for the illegal sale of firearms is increased if it takes place in a terrorist context. The police indicate that, despite these concerns, not many questions are generally asked when a weapon is sold in the criminal milieu. They add that it is also not always easy to refuse certain business deals, since all kinds of pressure can be brought to bear to force the sale of the weapon. Furthermore, they state that the boundaries between terrorist and criminal networks seem to be becoming blurred because of terrorists' criminal antecedents, for example hold-ups and firearms possession and use.<sup>229</sup>

The use of the internet to illegally obtain firearms, especially the dark web, is another possibility. The Federal Prosecutor's Office sees this to be the modus operandi of lone actors in particular.<sup>230</sup> They are less likely to have criminal antecedents, so their access to the illicit firearms market is significantly limited. The Federal Police state further that lone wolves are less likely to use a firearm, partly because, contrary to, for example, Syrian returnees, they have had no experience on the battlefield.<sup>231</sup> Returnees, on the other hand, do have such experience.<sup>232</sup> The Federal Police are concerned that returnees can use their contacts in Syria or Iraq to import weapons in order to use them in attacks, sell them on the European illicit firearms market, or build up a weapons arsenal themselves in order to supply radical networks.<sup>233</sup>

### 3.1.3 Terrorists' exploitation of the opportunities provided by the legal market

Besides the traditional selling of lethal-purpose firearms on the criminal black market, terrorist networks have also been able to obtain their firearms in different ways, for example by acquiring reactivated firearms that were previously sold as deactivated firearms on the legal European firearms market.

A well-known example of this are the firearms Amédée Coulibaly used during his attack on the Hypercacher supermarket in Paris on 7 January 2015 (see also the chapter on France). On that day, just a couple of hours after the Kouachi brothers' attack on the *Charlie Hebdo* office, Coulibaly entered a Jewish Hypercacher supermarket in the east of Paris armed with two Vz.58 assault rifles and two Tokarev TT33 pistols. He used his guns to shoot four people dead and held more than 20 supermarket customers and employees hostage for several hours before French security forces killed him. Following this incident, four additional Tokarev TT33 pistols and a Nagant M1895 dating from 1932 were found in his apartment. With the exception the Nagant revolver, all of these firearms were (poorly) deactivated in Slovakia and were legally sold by the same Slovakian store (AFG Security).<sup>234</sup> In the immediate aftermath of these attacks in Paris it was repeatedly reported in the international media that Coulibaly had bought several of the firearms used by the Kouachi brothers in Belgium. Soon afterwards, Metin K., a man from Charleroi, Belgium, reported to the police that he had been in contact with Coulibaly in the previous months and had intended to defraud him in the sale of a car. During a house search the police found documents that also indicated a possible sale of firearms and ammunition to Coulibaly. Metin K. denied selling firearms to Coulibaly and was released in March 2015.<sup>235</sup> Police investigations into the origin of these weapons quickly pointed to a number of other Belgian connections. One of AFG Security's customers was Patrick H., a Belgian living in Marcinelle, Belgium. This man legally bought around 170 deactivated firearms from the Slovakian store, including at least one of the Vz.58 assault rifles that ended up reactivated in Coulibaly's hands. Patrick H. admitted that he sold this firearm on an online auction site, but claimed it was sold to a Northern European man and denied reactivating the gun. Interestingly, Belgian police had found materials that could be used to reactivate firearms in Patrick H.'s house during an earlier search in May 2014.

Another AFG Security customer was Claude Hermant, a Frenchman living in Comines, Belgium, who is known to be a militant right-wing extremist. The investigation revealed that from his survival shop near Lille, France, Hermant ordered dozens of deactivated firearms from AFG Security, the other Vz.58 assault rifle and two Tokarev TT33 pistols that ended up reactivated in Coulibaly's hands. Hermant

admitted selling a total of 40 to 50 deactivated firearms, but denied selling them to Coulibaly. The person suspected of having supplied firearms to Coulibaly is Antoine D., a Frenchman from Pas de Calais in northern France who is known in right-wing extremist circles and who had worked in Hermant's chip shop. In April 2016 Spanish police arrested Antoine D. during a joint Spanish-French police operation in the vicinity of Malaga, Spain.<sup>236</sup> In April 2017, during a coordinated operation, French and Belgian police arrested several people on suspicion of having provided logistical support to the Paris attackers in January 2015. In Belgium, at the request of a French prosecutor, two people (including Metin K.) were arrested in Charleroi on suspicion of delivering firearms to Coulibaly.<sup>237</sup>

Terrorist networks have also been able to take advantage of other opportunities offered by the legal firearms market. In recent years terrorists succeeded in legally acquiring components for their firearms. It was ascertained that Khalid El Bakraoui had legally bought magazines for assault rifles at various times in the summer of 2015 from a firearms retailer in Walloon-Brabant, Belgium;<sup>238</sup> this retailer alerted the law enforcement services. The Federal Prosecutor's Office suspects that these magazines were used in the attacks on 13 November 2015 in Paris, and possibly also in the failed attack on the Thalys train between Brussels and Paris in August 2015.<sup>239</sup> As a direct result of the El Bakraoui brothers' legal purchase of magazines, the Belgian Federal Government is currently preparing an amendment to the Weapons Act in terms of which a licence will be required to buy magazines.

### 3.2 Firearms among right-wing terrorist networks

Although Belgium has not been the scene of a right-wing terror attack for a very long time, firearms have been found in the possession of extremist groups, some of whom were planning an actual terrorist attacks. At the moment the activities of right-wing extremist groups in Belgium are not believed to be focused on carrying out attacks. According to OCAD, right-wing extremist groups with potentially violent motives are generally limited in size and often disappear very quickly. However, a number of key individuals in the Belgian right-wing extremist milieu keep turning up in potentially violent groups and some of them are known for being gun enthusiasts.<sup>240</sup> Besides this, a number of right-wing extremist groups in Belgium are particularly active online.<sup>241</sup>



The best-known recent example of a right-wing extremist group that possessed firearms is Bloed, Bodem, Eer en Trouw (Blood, Soil, Honour and Loyalty, or BBET).<sup>1</sup> In 2006 a number of members of this group were arrested, and sentenced in 2014 for being members of a terrorist organisation and for illegal possession of weapons. BBET was a Belgian splinter group of Blood & Honour, the international right-wing extremist group, and consisted of a hard core of around twenty people, surrounded by a larger group of youngish people who attended BBET activities and visited its website. The leader of BBET was Tomas Boutens, a professional soldier who was stationed in the army barracks at Leopoldsborg. He was said to have had plans to carry out attacks to disrupt Belgian infrastructure. The investigation carried out by the Federal Prosecutor's Office showed that, since 2004, Boutens had been recruiting people with right-wing extremist ideas, often in the army barracks or units where he worked. He also organised paramilitary exercises, survival weekends and firearms training, some of which took place on army property without the knowledge of his superiors. In the context of this investigation, on 7 September 2006 the police carried out searches of several army barracks and private addresses. They seized various firearms, a large quantity of ammunition, detonators for landmines, explosives and a homemade bomb. In addition, a template for a letter claiming credit for attacks and incriminating documents (such as a self-written manual on how to carry out attacks) were also discovered. In total, 17 people, including ten soldiers, were arrested. House searches were again carried out on the following day. More than one hundred weapons were seized, including assault rifles, riot guns and pistols. In addition, weapons parts, ammunition, binoculars and silencers were found. In total the police found around four hundred weapons during the searches, most of which came from Eastern Europe. It is not clear how the BBET members and their network had acquired their arsenal of weapons.

International connections often exist among the various European right-wing extremist groups. These connections occasionally result in specific (Belgian) key individuals supplying weapons to other non-Belgian groups. For example, at the end of 2011 the Dutch police arrested various members of the Dutch right-wing extremist group Ulfhednar, a breakaway group from Blood & Honour. Various firearms were found (including a 'vuurbuks' – a type of rifle – and a hunting rifle with a sawn-off barrel), as well as ammunition. One of the individuals arrested at the time was Tomas Boutens, the key figure in BBET. According to the Public Prosecutor, it was Boutens who had brought firearms from Belgium to the Netherlands. For that,

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<sup>1</sup> There was a shooting in May 2006 in the centre of Antwerp, when Hans van Themsche killed a toddler and her Malinese nanny and injured a woman of Turkish origin. Van Themsche was acting from racist motives. It later transpired that he had been visiting the BBET website, among others ('Van Themsche bezocht sites van Blood&Honour en BBET', *Gazet Van Antwerpen*, 12 September 2006, <http://www.gva.be/cnt/oid420633/archief-van-themsche-bezocht-sites-van-blood-honour-en-bbet>).

he was sentenced to ten months in prison, six of which were suspended.<sup>242</sup> The investigation into BBET showed that Boutens and one of his associates were dealing in illegal weapons in order to fund their activities.<sup>243</sup>

What stands out in the membership list of Belgian right-wing extremist groups is that it often includes people who are, or were, members of the Belgian armed forces. They therefore know how to use and maintain firearms.<sup>244</sup> The military intelligence service is monitoring around fifty Belgian soldiers with extremist sympathies, including at least four members of the Soldaten van Odin (Soldiers of Odin).<sup>1</sup> The military intelligence service not only monitors people with extreme right-wing views, but also, for example, those with Islamist views. These soldiers are closely watched because they receive military training and have access to weapons through their professional activities. As long as they do not commit criminal offences they are allowed to remain in the armed forces.<sup>245</sup>

## 4. Conclusions

Despite a more comprehensive approach in the policy aimed at combating the illicit firearms market, with a tightening of the legislative framework and the fight against firearms trafficking becoming a priority for both police and the judicial authorities in 2012, in recent years Belgium has often been labelled one of Europe's hotspots for illicit firearms, and the place to go for terrorists looking for guns. At the moment it is impossible to estimate the size of the illicit firearms market due to a lack comprehensive, reliable and detailed quantitative data on seized firearms. In order to analyse the nature and dynamics of the Belgian illicit firearms market, we are therefore dependent on interviews with key actors in the fight against this market.

This study has demonstrated that firearms end up on the illicit market in Belgium in various ways. Each of these sources is characterised by specific dynamics and has a different impact on the illicit market. The most important sources in Belgium are cross-border smuggling, the conversion of blank-firing guns and the reactivation of deactivated firearms. Firearms are generally smuggled by road and in small quantities by opportunistic individuals who are not part of large-scale criminal organisations. Most smuggling currently involves firearms from the Balkans, but Belgian

<sup>1</sup> The objective of this right-wing group is to 'protect Western values' and 'to safeguard the country' against refugees and migrants. Soldiers of Odin originated in Scandinavia and operates there as a kind of civil guard. A branch of this group has been active in Belgium since 2016, mainly online.

police fear that in the future other countries in the European periphery, notably Ukraine, will also become important sources of smuggled firearms. In recent years Belgian police forces have observed a significant increase in the numbers of converted alarm weapons and reactivated firearms on the illicit gun market. Converted alarm pistols, which are usually made in Turkey, are rather cheap and can be converted very easily. The reactivated firearms that have been encountered by Belgian police are generally not deactivated in Belgium, but were poorly deactivated abroad and smuggled into the country. A number of handymen in Belgium have the necessary expertise, skills, and tools to reactivate these firearms, as well as the criminal connections to sell them on to the criminal world. Other significant ways in which firearms can leak into the illicit firearms market are theft (mainly from private homes) and the 'blackening' of firearms.

The Belgian illicit firearms market is largely driven by criminal demand for firearms. Not only international drug traffickers who often require firearms operate in Belgium, but armed robbers and criminal motorcycle gangs also create demand for firearms on the illicit market. Interestingly, different patterns in the acquisition, possession, and use of firearms can be observed between and within criminal environments. Despite a lack of good data on seized firearms, it is clear that mainly handguns and (converted) blank-firing weapons are available on the criminal market for firearms in Belgium. Only specific categories of criminals – such as major drug traffickers, robbers targeting heavily secured targets and OMGs – have access to assault rifles. This difference in access is strongly linked to the fact that the Belgian illicit gun market is traditionally a closed one in which criminal connections and trust between buyer and seller are key factors.

Terrorist networks have also been able to acquire firearms on the Belgian illicit gun market. Various types of terrorist networks have been active in Belgium since the 1980s. The country has not only been the target of several terrorist attacks, but has also served as an important logistics source for terrorist activities in other countries, including the acquisition of firearms. Currently the acquisition, possession, and use of firearms in terrorist networks are mainly limited to Islamist and right-wing terrorist networks. Members of these networks have mostly used their criminal connections to acquire firearms on the illicit firearms market. In addition, terrorists have not only used their past criminal connections to acquire weapons, but their prior criminal activities have trained them in the use of firearms. Not surprisingly, the types of firearms used by terrorist networks are largely a reflection of the types of guns that are available on the criminal illicit gun market and the opportunities offered by the legal firearms market (especially in terms of gun components and deactivated firearms). There is, however, a significant over-representation of military-grade assault rifles in the types of weapons being used in illegal activities.

While this type of firearm is not that easily accessible on the illicit market in Belgium, Islamist terrorist networks in particular have been able to acquire them.

The crime-terror nexus and specifically terrorists' use of criminal connections to acquire weapons are very visible in Belgium, especially in Islamist terrorist networks. On the other hand, several members of right-wing terrorist groups have been part of the armed forces. It could be argued that this has given them easy access to firearms and training in their use in combat situations. Criminals and members of terrorist networks from Belgium have also provided firearms to members of foreign terrorist networks, but the opposite is also the case: the firearms used in the attack on the Jewish Museum in Brussels probably came from the Marseille underworld. This clearly illustrates the transnational nature of the threat posed by terrorists' access to illicit gun markets in Europe: terrorists not only arm themselves on the local illicit firearms market, but also use the criminal firearms markets in other countries to acquire their weapons.

The recent terrorist attacks have further boosted the policy focus in Belgium on the illicit gun market in general and have led to the adoption of important measures. These include the use of telephone taps for gun-related crimes, and increased focus on an improved (national and international) system of information exchange, strengthened police investigations, a stricter prosecution policy, the development of a better intelligence picture of the illicit gun market and improved expertise among key actors.

We can conclude that the current heightened prioritisation of terrorism in Belgium has become a double-edged sword in terms of combating the illicit firearms market. On the one hand – given recent terrorist incidents' links with the Belgian illicit gun market – it has led to additional focus on illicit firearms trafficking and the deployment of greater skills and more personnel to fight the problem. This has mainly benefited specialised police services in the Brussels region. By contrast, at the central level of the Federal Police and in police entities in many other areas the terrorist threat has brought about a displacement of people and resources to the areas of preventing, investigating and analysing the terrorist threat. Moreover, despite the specific terrorist access to the illicit firearms market, Belgian law enforcement and security services still generally treat terrorism and illicit firearms trafficking as two distinct problems. Our research has shown that there is still much room for improving information sharing and developing joint actions between and within the services that combat both of these closely interconnected phenomena.

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# Availability of illegal weapons: connecting the dots

## Case study of the Republic of Croatia

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The territory of the Republic of Croatia has been a corridor for the transportation of people, goods and ideas from its early history to the present day. The modern security environment and the risks facing Croatia are partly the legacy of its recent history, its geostrategic and geopolitical position, and its role as a transit country on the so-called Balkan route<sup>1</sup> for the smuggling of people, drugs, contraband and firearms from Asia, Africa and South Eastern Europe to Western Europe, as well as the smuggling of various goods such as stolen vehicles and synthetic drugs in the opposite direction. As a result Croatia is often referred to in the context of organised crime. In professional security related circles it is usually linked to the smuggling of heroin from Afghanistan – the world's largest producer – to Western Europe, where there are developed markets and high demand for heroin. In recent years the Balkan route has also been important for the movement of migrants.<sup>1</sup> This route has at least three main branches: the Bulgarian branch, the east Balkan route and the Adriatic route.<sup>2</sup>

Not surprisingly, the Yugoslav wars in the 1990s strongly impacted the security situation in Croatia and trafficking along the Balkan route. On 25 June 1991 the Republic of Croatia declared its independence and broke its ties with Yugoslavia. The regime in Belgrade refused to accept this and attempted to undermine Croatian independence by encouraging rebellion among the local Serb population and sending the

<sup>1</sup> The assumption is that the original route ran through Turkey, Greece, Bulgaria, Romania, Macedonia, Serbia, Bosnia and Herzegovina, Croatia, and Slovenia to Austria, Italy, and other Western European countries.

Yugoslav People's Army to attack Croatia. The violence soon escalated and significant parts of the country became a battlefield for the next few years. This caused the relocation of the original Balkan route away from Croatian territory. The fighting ended in a Croatian victory in 1995 and the country was able to reclaim all of its occupied territory and take control of its current borders. During what is known in Croatia as the Homeland War, an international arms embargo was imposed on the country, which armed itself by confiscating weapons from the Yugoslav People's Army, obtaining supplies on the black market and increasing domestic production.

The Yugoslav wars also influenced the dynamics of the Balkan route after the wars and, among other things, boosted firearms trafficking from South Eastern Europe to Western Europe. During the wars in the territory of the former Yugoslavia, particularly in Croatia and Bosnia and Herzegovina, significant quantities of small arms, ammunition and explosives remained in the illegal possession of ordinary citizens. Simultaneously, the continuing demand from organised crime groups (OCGs) for arms in both Western and Eastern Europe motivated such groups to reactivate the Balkan route and take up arms smuggling.

### Box 1: Research design

This study used a research methodology that includes an analysis of various sets of materials. Firstly, an extensive literature review and comprehensive document analysis were carried out. This consisted of analysing existing research on the availability of illegal firearms in Croatia prepared by the South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC), complemented by analysis of Croatia's current legislative and strategic framework for firearms control. In addition, quantitative data from the Ministry of the Interior was obtained and publicly available statistical data were collected and analysed. Obtaining these data was time-consuming and their analysis was hindered by the challenge of comparing and verifying disparate datasets.

Given the lack of significant and reliable open-source data, the research team introduced two additional research methods to address the questions posed for this research project. Firstly, interviews were held with key actors, including high-level government officials responsible for firearms-related issues from the Ministry of the Interior, Ministry of Foreign and European Affairs, and Security and Intelligence Agency; firearms business practitioners (manufacturers of and traders in firearms); relevant scientists; and experts (military and security analysts, firearms collectors, and firearms museum

personnel) who deal with this area. During this phase of the research formal interviews were conducted with 11 high-level government officials and six practitioners, scientists and experts. This part of the research process also included a visit to the largest Croatian manufacturer of small arms and light weapons (HS Produkt Ltd).

Finally, the research team also collected and analysed data gathered via questionnaires distributed to experts. For the purposes of the research, two questionnaires were developed, the first covering specific points that required fuller responses and the second statistical in nature. Both questionnaires covered three thematic areas:

1. the characteristics of the illegal weapons market in Croatia;
2. the availability of weapons to terrorists on this market; and
3. Croatian policies to deal with (terrorist access to) the illegal weapons market.

The first questionnaire containing 20 questions was distributed to the experts referred to above (11 high-level government officials and six practitioners, scientists and experts). After it had been completed we held a meeting with the experts so that we could go through their answers and analyse them together. This meeting and the interviews were held in Zagreb from March to October 2017. Between 1 March 2017 and 21 April 2017 a total of 102 statistical questionnaires were collected from experts in all parts of Croatia, which were processed using IBM SPSS software. This questionnaire contained 22 questions requiring answers reflecting participants' perceptions of the matters raised.<sup>1</sup>

This chapter presents the results of an investigation into the size and dynamics of the illegal firearms market in Croatia, as well as this market's potential availability to terrorist organisations and/or individuals with terrorist intentions. Despite the country's reputation as a source and transit country for illegal firearms trafficking, in-depth research on the illicit firearms market and illicit firearms trafficking in Croatia is currently lacking. This is partly due to the lack of national databases that contain relevant data for such research. In addition, publicly available data are often fragmented. A key contribution to this research project is constituted by the results of interviews with and surveys of experts and analysts who deal with or have dealt directly or indirectly with the subject area during their professional careers (see Box 1). Indeed, this is the first research project designed to comprehensively

<sup>1</sup> In a very small number of cases some participants did not answer or answered with multiple answers. In such situations these answers or sections without answers were excluded from the data analysis.

and systematically examine the illegal firearms market in Croatia that includes the opinions of key experts and stakeholders in the field. Institutions that deal with these issues were also actively involved in the research, with some providing access to their databases.

This chapter consists of three sections and a conclusion. In the first section we give an overview of Croatian national policy to fight the illicit firearms market (and terrorist access to this market) and the modus operandi and models of cooperation of official institutions working in this area. In the second section we analyse the size and characteristics of the country's illicit firearms market, and in the third section we discuss the potential for terrorists to procure firearms from this market.

## **1. Croatian national policy to fight the illicit firearms market and terrorist access to it**

### **1.1 Main elements of Croatia's security policy**

The Republic of Croatia is located in the Central European, Danube, Adriatic and Mediterranean regions. The country designs its strategies and policies to protect its national interests, citizens' security, national identity and the fundamental values defined by its Constitution, and to achieve its national goals and its economic, political and social development. Through its own actions, combined with numerous international processes, a high level of security has been achieved that enables Croatia to achieve balanced development. However, external and internal threats, risks, and challenges that change continuously and rapidly are highly complex, inter-linked, and often unpredictable create the need for the constant development of national security policy and responsiveness to changes. The need to ensure such a framework was the driving force behind the new National Security Strategy of the Republic of Croatia adopted on 8 June 2017.<sup>3</sup>

This strategy clearly highlights the security threats, risks and challenges facing Croatia at the global level, and the levels of Europe and the European neighbourhood (primarily South Eastern Europe), as well as ways of protecting the country's national interests and achieving national security.

The country's south-eastern neighbouring surroundings are a source of potential challenges in its attempts to protect its national interests. Political instability; insufficiently established state institutions; corruption; high unemployment rates; and

social, ethnic and inter-nationality tensions make the region's security situation very fragile, which strongly affects Croatian interests. Croatia's south east neighbourhood shows trends of increasing intolerance, radicalism and extremism, especially Islamist radicalism. The National Security Strategy states that in some countries, for years, there has been a visible defamatory campaign directed against the Republic of Croatia with all the features of hybrid and special action, i.e. planned, permanent and systematic activities supported by state bodies. The security threats facing the country include the proliferation of weapons of mass destruction and dual-use equipment and technologies, in particular through the use of Croatian territory to transport them to other countries.<sup>4</sup> The unstable security situation in the Middle East, North Africa and Ukraine increases demand for weapons and military equipment obtained through illegal channels, and members of the criminal underworld see fulfilling this demand as a profitable activity.<sup>5</sup>

Unresolved issues of border delimitation with some neighbouring countries could have a negative impact on the effective control of state borders and surveillance of the state territory of Croatia. The probability of terrorist attacks in the country is low, but the potential consequences were such attacks to occur are high, especially in the context of the tourist and transport sectors. One of the security threats facing Croatia is the transit of members of terrorist organisations across the country's territory via illegal migration routes. Like in every country, corruption is also in Croatia a challenge that affects the functioning of the free market, economic growth, and the independence and efficiency of public and state activities, and results in a loss of trust in public institutions. Organised crime is a threat to national security because it jeopardises the country's institutional system, economic and financial stability, and public security. Croatia's economic and geographical positions are among the reasons for the threats it faces from transnational organised crime. Landmines and unexploded ordnance left over from the Homeland War also remain a security problem for the country.<sup>6</sup>

Croatia attempts to ensure its national security by coordinated action in all areas of its development, not only security instruments and related activities. The main elements of the country's security policy involve the development of a national security policy, structure and capabilities that will ensure effective action not only within the national territory, but also beyond it, both independently and through joint international efforts to achieve peace, resolve conflicts and build trust. Croatia recognises that in the modern world the internal (national) and external (international) aspects of security are strongly linked, requiring a commitment to a comprehensive approach to achieving security-related goals. These goals are pursued through a security paradigm based on a human security model designed to ensure the security of every Croatian citizen. The country will use all available resources



for the achievement and protection of national interests and the implementation of strategic goals, in proportion to the threats and risks to which it is exposed.<sup>7</sup>

Specifically – and relevant to the present research – the smuggling and (illegal) distribution of weapons is recognised as a challenge. This distribution process was largely uncontrolled during the Homeland War period (1991-1995), and consequently opened up the potential for an illegal trade in small arms and light weapons, because a lot of weapons have stayed out of state control. That is why numerous efforts were and continue to be made to control small arms and light weapons as much as possible. This research project aims to develop an understanding of the phenomenon and to provide recommendations for future approaches to it. According to the Croatian Security and Intelligence Agency, arms smuggling from South Eastern Europe to European Union (EU) countries mainly involves the weapons remaining in circulation from the 1990s wars, as well those leaking from inadequately secured arms depots in some countries.<sup>8</sup> The latest Security and Intelligence Agency public report for 2017 goes even further in its assessment, stating that: *“Due to a number of crisis areas in the Middle East and Africa, demand for weapons and military equipment through illegal channels has increased. Given the high profitability of the arms trade, members of the criminal milieu from the Republic of Croatia and surrounding states are trying to position themselves as intermediaries in that trade. Such weapons, using false export documentation, end up in areas under an international embargo.”*<sup>9</sup>

While interesting from a security point of view and for the present research, this statement is problematic because it does not specify to which areas under an international embargo it refers, while it is important to note that the present researchers were unable to uncover any facts that confirm such a claim.

Within the structure of the national security system, the authority to prevent and suppress the illegal arms trade, prevent illegal weapons production, and control exports and imports of military equipment and dual-use products is invested in the following bodies: the Ministry of the Interior and police; the Ministry of Finance; the Ministry of the Economy, Entrepreneurship and Crafts; the Ministry of Foreign and European Affairs; and the entire intelligence system (primarily the Security and Intelligence Agency and the Military Security and Intelligence Agency). Certain specific jurisdictions and activities of these organisations will be discussed below.

## 1.2 The most important elements of the Weapons Act and Criminal Code

The normative framework that regulates firearms-related issues in the Republic of Croatia – including both legal and illegal weapons – is primarily determined by the Weapons Act, while the criminal law dealing with illegal weapons and the illegal possession of weapons is regulated by the Criminal Code. This normative framework is fully harmonised with the relevant EU legislation. The suppression of the illegal weapons market in Croatia falls under the jurisdiction of the Ministry of the Interior. The General Police Directorate – as the key operational component of the Interior Ministry – carries out measures within its competence aimed at, among other things, the prevention and suppression of criminality. Criminality related to the illegal weapons market is dealt with by the Police Directorate's working unit responsible for the suppression of organised criminality. The normative penal framework is contained in the Criminal Code, which in Article 331 lays down the criminal offence pertaining to the 'unauthorised ownership, manufacturing and procurement of weapons and explosive substances'.

The Weapons Act was adopted in 2007 and has been amended three times.<sup>10</sup> The first amendment involved minor tweaks. The second amendment in 2012 was designed to fully harmonise the Act with the relevant EU legislation, within the framework of the free movement of persons and goods within the EU. In particular this amendment harmonised the Weapons Act with Directive 2008/51/EC of the European Parliament and Council of 21 May 2008 amending Council Directive 91/477/EEC on the control of the acquisition and possession of weapons.<sup>11</sup> The third amendment to the Weapons Act was in 2017 to ensure compliance with Croatia's Act on Explosive Substances and the Production and Transportation of Weapons.<sup>12</sup>

The Weapons Act classifies weapons into four categories: the possession, handling and trafficking of weapons in Category A (such as automatic weapons, military-grade weapons, explosive weapons, weapons hidden in other items, etc.) are prohibited to the public; weapons in Category B are those firearms for which citizens must have previously obtained a possession and carrying permit from the competent authority, such as semi-automatic weapons, semi-automatic long weapons with a magazine containing up to three rounds, antique weapons, etc.; weapons in Category C are permitted weapons for which no permit is required, but which need to be registered with the competent authority, such as an air weapon of energy force greater than 10.5 J and a calibre greater than 4.5 mm, a gas weapon, and a longbow or crossbow with a force greater than 450 N; and weapons in Category D are permitted weapons that do not require a permit or registration.<sup>13</sup>

The Weapons Act primarily regulates the legal possession of weapons and is very strict in terms of the conditions under which citizens can legally possess weapons and the deadline for the issuance of permits. According to the Act, Croatian citizens may be issued with a permit to own or own and carry weapons if they have a good reason for procuring such weapons, have reached the age of 21, have not been convicted of violence-related criminal offences or misdemeanours, there are no other circumstances indicating that the weapons could be misused, are equipped to safeguard the weapons, and have the necessary mental and physical capabilities and technical knowledge to handle the weapons. Citizens can procure weapons if their lives are in danger and if they engage in sports shooting or hunting; for the latter reason they must prove their membership of a hunting society or sports shooting club.<sup>14</sup>

Article 97 of the Weapons Act prescribes that citizens who illegally possess weapons in categories A, B and C are obliged to report this to the police. The police will take over the weapons and ammunition at the place where they are located and the owner will be issued a receipt. If a citizen wishes to disable a weapon that has been surrendered, he/she has to apply for a weapon deactivation permit within eight days of the date of the handover of the weapon. The costs of disabling the weapon are borne by the applicant. According to the Misdemeanour Act, Criminal Code and Police Act, if a citizen surrenders illegally owned weapons to the police prior to the police taking action to recover them, no criminal proceedings will be instituted against him/her.<sup>15</sup>

According to the 2002 National Programme for Increasing General Security by the Voluntary Surrender of Weapons, Ammunition and Explosive Devices (hereafter the National Programme), 394,419 firearms were registered in the possession of 236,918 people. Thus, one in every 19 citizens of the Republic of Croatia possesses at least one registered firearm. Of that number, a large proportion of weapons are registered for possession (mostly hunting weapons), another part for possession and carrying, and a smaller part as a token. The larger number of registered weapons for possession and carrying arises from the fact that included in this number are weapons for hunting and sports shooting, and weapons privately owned by police officers, prison officers and members of the Armed Forces of the Republic of Croatia who are authorised to own and carry weapons in accordance with the Weapons Act.<sup>16</sup>

The current Criminal Code was adopted in October 2011 and entered into force on 1 January 2013.<sup>17</sup> The general criminal framework for the punishment of illegal firearm offences is contained in the previously mentioned Article 331. Punishment by imprisonment for up to five years can be imposed for various types of firearms-related criminal offences. Besides Article 331, the use of weapons of some kind constitutes an integral part of numerous other criminal offences. For example, with

regard to terrorism: it is considered a criminal offense if someone who manufactures, possesses, supplies, transports or uses firearms, explosives, or nuclear, biological or chemical weapons with the purpose to cause major fear among the population, to force a state or an international organization to do or not to do something, or to seriously jeopardize or destroy fundamental constitutional, political, economic or social structures of a state or an international organization<sup>18</sup>

The second questionnaire (see Box 1) attempted to ascertain the surveyed experts' perceptions of the adequacy of the normative framework of the Republic of Croatia in terms of issues relevant to this research. It is interesting to look at the answers to the following two questions:

1. What are your views on the existing system of regulation relating to the illegal possession, use and trafficking of weapons?
2. Is there a need to increase the control of legal and illegal weapons by stricter laws?

Of 102 surveyed experts, the distribution of the answers to the first question is as follows: 7% of them answered 'regulation is inappropriate'; 37% answered 'needs to be upgraded'; 36% answered that 'regulation is satisfactory, but that the problem is its application'; while 20% answered 'regulation is appropriate'. Answers to the second question are: 41% answered 'the problem is not in the laws, but in their implementation', 40% answered 'yes', and 19% answered 'no, the laws are satisfactory'. In this regard it should be noted that most of the respondents were police officers who wanted a stricter legal framework and stronger sanctions in the area being researched.

In light of these responses and the totality of the other responses, it should be borne in mind that while this research was under way in 2017, the Weapons Act, the Criminal Code, and the Act on Explosive Substances and the Production and Transportation of Weapons were amended to achieve greater standards of control and regulation of the subject area. Analysis of the dynamics of changes in other normative, system-related and operational procedures caused us to conclude that the Republic of Croatia currently has satisfactory existing regulations dealing with the illegal possession, use and trafficking of weapons, and that the problem is primarily that of their implementation. Although a high percentage of participants advocated stricter regulation, we consider that this is not necessary, but that more attention needs to be devoted to the implementation of existing legislation: laws can be written with lofty ideals, but if they are not implemented properly, the whole framework remains incomplete. We therefore wish to emphasise the importance of the effective implementation of weapons-related laws and regulations.

### 1.3 National policy dealing with illegal firearms possession and the illegal firearms market

The Republic of Croatia's policies for the control of illegal weapons and their availability to terrorists have been established in strategic and operational documents for the prevention and suppression of terrorism, as well as normative frameworks that provide for the criminalising of illicit weapons and national programmes for the surrender of illegally owned weapons. These constituent parts form the basis of national policies for the control of illegal weapons, which are implemented by the relevant bodies.

National policies to minimise the possibility of terrorists obtaining weapons on the illegal weapons market are very strict and are structured to prevent such activities as far as is humanly possible. Croatia complies strictly with national and EU regulations regarding donations and sales of weapons to other countries. However, Croatia cannot prevent individuals or terrorist groups operating outside the country from accessing weapons from Croatia or obtaining weapons produced in Croatia and transferring, donating or selling them to third countries. All the interviewed actors stressed this.

#### 1.3.1 Voluntary surrender programmes

With the aim of reducing the number of illegal weapons in the possession of its citizens, Croatia has taken significant preventive actions that have resulted in the large-scale voluntary surrender of illegal firearms left over from the Homeland War (including ammunition and explosives). This has reduced the possibility of such firearms ending up on the illegal firearms market.

Three programmes should be highlighted, each of which consisted of various processes and phases:

- The initial phase of programme development and implementation (1993-2002);
- Awareness-raising campaigns (1 September 2007-31 December 2014); and
- Weapons collection programme (1 September 2007-continuing).

During these three programmes a large number of weapons were voluntarily surrendered: 54,818 firearms, 13,719,940 rounds of ammunition, 2,068,892 explosive devices, and 3,352,948.79 kg of military and commercial explosives. In the following sections we will briefly describe the main features of these programmes.

## Initial phase of programme development and implementation (1993-2002)

From 1993 to 2002 six campaigns<sup>I</sup> were conducted to encourage citizens to voluntarily surrender illegal weapons. From 31 May 2001 to 31 December 2002 the National Programme was implemented as the concluding phase of the preceding efforts to communicate to citizens the need to surrender illegal weapons. The purpose was to consolidate relevant indicators and data from previous activities, as well as to carry out additional activities in this phase. The Ministry of the Interior oversaw these activities. At the conclusion of the National Programme Croatia's citizens had been given six opportunities to surrender or legalise unrecorded firearms without sanction. Between January 1996 and January 1997 people were paid to surrender illegal weapons, and during this period the largest number of weapons were surrendered to police supervision. In total, 30,542,894 kunas (approximately €4 million today) were paid out.

During these campaigns citizens surrendered 33,598 firearms (including automatic rifles, sub-machine guns and similar weapons); 1,670,355 explosive devices (bombs, landmines, various kinds of portable unguided anti-tank weapons and similar weapons); 5,080,693 rounds of ammunition; and 7,597 kg of military and commercial explosives.

## Awareness-raising campaigns (1 September 2007-31 December 2014)

As a continuation of the previous programme, the Ministry of the Interior and the United Nations Development Programme (UNDP) launched a joint action entitled 'Less Weapons, Less Tragedy'. The aim was to sensitise the public to the issue of illicit firearms and encourage the voluntary surrender of weapons, as well as to raise public awareness of the dangers of improper handling of weapons and explosive devices. The campaign lasted from October 2007 to March 2008, starting at the same time as the introduction of the new Weapons Act, which had a new provision to provide the time-unlimited voluntary surrender of prohibited and permitted weapons. In other words, weapons could always be surrendered and no misdemeanour or criminal procedure was initiated against the person who did so. In this eight-month period, citizens surrendered 697 automatic firearms and 14,741 explosive devices categorised as prohibited weapons, and 1,001 items categorised as permitted weapons. A total of 644,442 rounds of ammunition and 720.62 kg of various explosives were collected. UNDP considered this initiative to be particu-

I These campaigns covered the following periods: 30 October 1992-30 April 1993; 10 April 1993-10 April 1994; 5 January 1996-5 January 1997; 19 February 1997-19 August 1997; 1 January 1999-2 August 1999; 22 February 2001-22 February 2002.

larly successful and stressed that this was ‘the most effective campaign to collect weapons in the history of the UN’.<sup>19</sup>

At the end of 2008 the Ministry of the Interior and UNDP published the document ‘Destroying Weapons for Community Development’, which, along with other activities, allowed for the continuation of the ‘Less Weapons, Less Tragedies’ campaign in the period 2009-2011. During 2010 and 2011 the slogan was changed to ‘Get Rid of Weapons without Sanctions and Make Your Life Safer’. From 2010 the EU funded the campaign through a regional project called SEESAC Assistance to Arms Control Activities in South East Europe.<sup>20</sup>

In total, during the various promotional campaigns running from 1 September 2007 to 31 December 2014 citizens voluntarily surrendered 9,484 firearms, 3,340,835 kg of explosives, 87,691 explosive devices and 3,988,457 rounds of ammunition of various calibres.<sup>21</sup>

### Collection programme (1 September 2007-continuing)

The next major weapons collection programme carried out by the Ministry of the Interior began on 1 September 2007 and is still under way. Up to 28 February 2017 a total of 4,330 Category A automatic weapons and 310,846 explosive devices were collected. A total of 7,406 Category B firearms were collected, while 4,650,790 rounds of various types of ammunition and 4,516.79 kg of explosives were handed in.<sup>22</sup>

### 1.3.2 National Strategy and Action Plan for the Control of Small Arms and Light Weapons

The Croatian government has adopted several strategies and action plans dealing with weapons – primarily illegal weapons and ammunition – to strengthen inter-departmental action and set policy guidelines. In light of the fact that the issue of illegal weapons at the operational level in the Police Directorate of the Ministry of the Interior is dealt with in terms of the framework to deal with organised crime, it should be noted that Croatia annually prepares an Organised Crime Threat Assessment modelled on the Europol Serious and Organised Crime Threat Assessment; this document deals with all types of organised crime in Croatia. Because it is classified, it was not available for this research.

During the accession negotiations for Croatia’s EU membership, it was agreed in Negotiating Chapter 31 (‘Foreign, Security and Defence Policy’) that: “Croatia needs to continue to strengthen its implementation and enforcement capabilities as well as the transparency of weapons information and ensure that the National Strategy and the accompanying Action Plan for Control of Small Arms and Light Weapons are

*harmonised with the EU Strategy to combat illicit accumulation and trafficking of SALW [small arms and light weapons] and their ammunition”.*<sup>23</sup>

In order to fulfil this criterion, but also to adopt a strategic and implementation document to regulate small arms and light weapons control, the Croatian government adopted the National Strategy and Action Plan for the Control of SALW (National SALW Strategy) on 10 September 2009.<sup>24</sup>

The overall objective of the National SALW Strategy was to build an effective system for controlling small arms and light weapons in all relevant areas. To operationalise this strategy 15 functional areas were established containing prescribed activities and deadlines for their implementation in order to enable the effective monitoring of the implementation of the planned measures. These areas include the establishment of a National SALW Committee, border control measures, criminal investigations, awareness campaigns, and the collection and destruction of collected and seized firearms.<sup>1</sup>

On 5 May 2015, after the completion of all the measures of the National SALW Strategy, the government adopted the ‘Decision on the Termination of the Work of the National Committee’ after concluding that all the requirements of the strategy’s Action Plan had been fulfilled. However, in our view this decision has undermined Croatia’s ability to combat the illegal firearms market (see section 1.5, below).<sup>25</sup>

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<sup>1</sup> The following 15 functional areas were identified:

- FP 1 – Establishing the National SALW Committee
- FP 2 – Coordination of activities
- FP 3 – Suppression of the illegal firearms market
- FP 4 – Control of procurement, handling, trade and production of firearms
- FP 5 – Border control measures
- FP 6 – Legal framework
- FP 7 – Criminal investigation
- FP 8 – Implementation of Information system for firearms licensing
- FP 9 – Research and assessment of the illegal possession of firearms
- FP 10 – Awareness-raising campaigns
- FP 11 – Collection and destruction of collected and seized firearms
- FP 12 – Managing of supplies
- FP 13 – Reporting on applied measures
- FP 14 – Export and import of firearms and ammunition
- FP 15 – Regional and international cooperation



### 1.3.3 National Strategy for the Prevention and Suppression of Terrorism

On 8 June 2017 the Croatian government adopted a new National Strategy for the Security of the Republic of Croatia (National Security Strategy), which recognises that the country is situated on one of the routes that OCGs use to smuggle weapons, people, drugs and other illegal assets. It is necessary to repeatedly underline how the estimates show that the probability of terrorist attack in Croatia is low, but the potential consequences of such an attack would be high. Countering terrorism will be implemented through an integrated approach and inter-agency co-operation, and strengthened international cooperation.<sup>26</sup>

The National Security Strategy is the basic strategic document dealing with security, and forms the basis for all other strategies and laws dealing with this issue, and also for the National Strategy for the Prevention and Suppression of Terrorism. This strategy was adopted by the Croatian government on 27 November 2008 and revised on 7 October 2015.<sup>27</sup> It has five key pillars and determines the general framework of Croatia's efforts to fight terrorism. The five pillars are: the prevention of terrorism, the suppression of terrorism, protection from terrorism, the repair of damage after and recovery from a terrorist attack, and the criminal justice response to terrorism.

In order to operationalise and implement measures and harmonise the organisational framework for the prevention and suppression of terrorism, the Action Plan for the Prevention and Suppression of Terrorism was adopted on 28 April 2011.<sup>28</sup> The aim of this plan is to operationalise and create an effective operational system for the prevention and suppression of terrorism. In the section on measures to control and thwart the transport and supply of weapons, explosives and other devices intended for potential terrorist activities, the Action Plan lays down the following measures:

- the surveillance of the production of, trade in and export of explosive devices and weapons;
- supervision by national commissions that issue export licences for military and dual-purpose goods and other commissions tasked with monitoring related problem areas;
- the gathering of data on businesses producing customised military products; the trade in weapons, explosives and other devices; and mediating companies (so-called 'middle men');

- the investigation of theft from or forced entry into civil and military facilities for the production, processing, packaging or storage, transport, and (il)legal trade in weapons and military equipment;
- the introduction and use of up-to-date technical equipment for the detection of explosives; radioactive substances; chemical, biological and other agents; and equipment for their production at all border crossing points and harbours, along with increased surveillance;
- the provision of security and intelligence support for measures to protect military storage facilities and other storage facilities for ammunition and military equipment;
- the control and management of stockpiles of weapons, explosives and other substances; and
- the suppression of the illegal possession of weapons.

In addition, the section on measures for the control of arms, explosives and other devices that could be used in terrorist attacks, the Action Plan prescribes:

- the timely reporting to relevant institutions of cases where irregularities have been identified, particularly regarding the identification of possible thefts or other kind of misuse;
- the planning, implementation, and supervision of technical and physical measures for the security of facilities and premises in which the mentioned items are kept;
- the proper storage, safeguarding, handling, transportation, supply, maintenance and surveillance of the items stored;
- the central logging of infantry weapons and arms that are being withdrawn from use, sold or donated (exported), or destroyed for the purposes of recycling and reuse;
- the supervision of the activities of national commissions responsible for monitoring these matters; and
- the improvement of technical solutions to protect buildings that might become potential targets for terrorist attacks and activities in compliance with security assessments of such buildings.

The research questionnaire explored Croatian experts' perceptions of the national policy to deal with the illegal weapons market and possibility of terrorists obtaining weapons on this market. It is interesting to examine the answers to the following two questions:

- 1) How do you assess national policy regarding the illegal weapons market in general and specifically in terms of the possibilities of terrorists entering this market?
- 2) What is your level of confidence in the institutions that implement national policy to combat the illegal weapons market?

The interviewed experts answered the first question as follows: 38% considered that national policy needs to be upgraded; 29% considered that policy is satisfactory, but the problem is its application; 24% considered policy to be appropriate; and 9% considered policy to be inappropriate. Responses to the second question were as follows: 57% believed that the institutions were doing a good job; while 39% expressed limited confidence in them and 4% had no confidence.

From these responses and in light of our analysis of other factors affecting Croatia's attempts to deal with the illicit firearms market and terrorist access to that market, we concluded that the country has a normative framework that is in line with EU legislation, but which clearly has space for improvement, and that Croatia should do more in terms of its practical implementation. It is worth noting that most respondents had confidence in the state institutions dealing with these issues, although a significant percentage had limited trust in these institutions (39%) and a small percentage (4%) had no confidence in them.

Besides the statistical questionnaires, a very significant indicator and source of information were interviews with 11 high-level government officials and six practitioners, relevant scientists and experts. The high-level government officials were the most consistent in their responses, and these responses were much closer to each other than the answers given by practitioners, relevant scientists and experts. There was a significant level of consensus that rigorous laws will not reduce the number of illegal weapons in circulation, and that targeted preventive programmes are needed. These programmes should focus on individual groups within society and their specific needs, such as various war veteran associations in different parts of the country where their needs differ from those in other areas. Likewise, special attention needs to be given to minors growing up in the virtual world where the boundaries between reality and the imaginary world are blurred, and to hunters and their organisations – a category that has about 60,000 members in Croatia. Additionally, the need for a clear strategic and operative approach to this problem and the strengthening of the international exchange of information were highlighted, both of which are included in the new National Security Strategy.<sup>1</sup>

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<sup>1</sup> Two researchers who worked on the present report participated as members of the National Security Council of the President of the Republic of Croatia.

Occasionally the interviewed military and security analysts had very different views. This is especially visible in their perceptions of the main features of regulations governing the illegal possession, use and trafficking of weapons. Some stressed that strict regulation is a good choice in light of the context of present-day Croatia. They stated that there is no need to change the legal system of regulation, but practical work needs to be done to reduce the transit of weapons through Croatia. Others argued that the existing system of regulation is too rigid in its approach to, for example, legal weapons collectors. Also, in recent years domestic regulations governing legal possession have frequently been tightened – very often in response to wrongdoing or risks arising from illegal weapons. This has mainly restricted the possession of legal weapons and resulted in the accumulation of costs, constraints and obligations imposed on people willing to comply with the law.

Arms business practitioners also emphasised the ‘rigidity’ of Croatian regulations and procedures. In terms of arms exports, the interviewed actors highlighted the strict laws and procedures that apply in Croatia compared to those in other EU member states. They noted problems that resulted from much stricter and unnecessarily complicated regulations compared to those in other countries, such as the requirement to obtain an export licence for weapons-related tools of the kind that can be freely bought in retail shops (e.g. hammers, pliers, rasps, etc.), while, for example, in Germany, Italy or France the things that need to be licensed are pistols or weapons, as well as essential weapons parts (grips, covers, barrels, etc.). There is obviously room for work on harmonising Croatia’s standards with those of other EU member states. Interviewees also noticed items in a list of military goods in Croatia that are outdated and should be changed/removed.

## **1.4 The various actors and their specific roles**

Cooperation in the fight against the illegal weapons market involves the inter-agency cooperation of all national bodies involved in the prevention of terrorism and the suppression of illegal weapons, and wider cooperation with relevant EU and international agencies. This cooperation is defined by the 2015 Act on the Organisation and Scope of Ministries and Other Central State Administrative Bodies,<sup>29</sup> which defines the various ministries’ and agencies’ modes of cooperation, and in some cases is governed by cooperation protocols.

The main national government agencies involved in the prevention and suppression of terrorism and the illicit firearms market are the:

- National Security Council;
- Office of the National Security Council;
- Ministry of the Interior;
- Security and Intelligence Agency;
- Military Security and Intelligence Agency;
- Public Prosecutor's Office;
- Ministry of Justice;
- Ministry of Finance;
- Ministry of the Economy, Entrepreneurship and Crafts;
- Ministry of Foreign and European Affairs; and
- Ministry of Defence.

These bodies are responsible for the implementation of measures to suppress the illegal weapons market and control the availability of weapons to terrorists. As the body that discusses security issues at the highest strategic level, the National Security Council participates in the creation of all key national policies. The Office of the National Security Council monitors and coordinates the activities of the country's security system in cooperation with the other ministries and agencies listed above.

The Ministry of the Interior is responsible for the suppression of the illegal weapons market in Croatia. The Police Directorate – as the ministry's key operational arm – is tasked with preventing and suppressing criminality. The Police Directorate's organisational working unit responsible for the suppression of organised crime deals with illegal-weapons-related issues.

The most important operational cooperation in the fight against the illegal weapons market is between the police and security intelligence agencies (the Security and Intelligence Agency and the Military Security and Intelligence Agency) and the State Attorney's Office, and between the police and the Customs Administration. These bodies collect, process, analyse, store, and evaluate all security phenomena that point to the existence and activities of the illegal weapons market. The Ministry of the Interior also cooperates with the Ministry of Defence and the Ministry of Foreign and European Affairs, which deal with the issue of illegal weapons at the political level.

European and international cooperation in the fight against illegal weapons is primarily determined by Croatia's membership of international organisations such as the UN, EU and North Atlantic Treaty Organisation (NATO). However, special emphasis should be put on cooperation with Europol, Interpol and the UN in which Croatian representatives actively participate and exchange information. In this regard the role of Europol's Focal Point Firearms, the UN Convention against

Transnational Organised Crime, the UN Office on Drugs and Crime, and iARMS (the Interpol Illicit Arms Records and Tracing Management System) should be emphasised. The Ministry of the Interior is, for example, expected to join iARMS in the first half of 2018, and is currently preparing the national database for this purpose. However, despite Croatia's position as a transit country for illegal weapons, a number of joint international operational activities aimed at suppressing the illegal weapons market have not occurred in Croatia, but in the countries to where illegal weapons were being sent, so statistics on the nature and extent of the illegal arms trade are only available in these countries.

## 1.5 Main challenges

The main challenge confronting Croatian national policy to address the illicit fire-arms market and terrorist access to it is the lack of a strategic document such as the National SALW Strategy and Action Plan that would regulate and integrate the activities of all the institutions involved in the illegal weapons issue and monitor the results of their activities. The National SALW Strategy ceased to apply in 2015 (see section 1.3.2, above), although key activities of the competent authorities and their mutual cooperation in the field of illegal weapons continued. However, the lack of a clear framework for role definition and cooperation, which had been provided by the National SALW Strategy, and the resulting lack of focus of the competent bodies lead to the inadequate routing of available capacities to deal with the illegal weapons market.

Because the issue of illegal weapons continues to be present, both in Croatia and elsewhere, stronger action at the international level may be a more effective way of dealing with it. Therefore, the administrative capacities of all competent bodies need to be continually strengthened and their activities should be made permanent. Stronger international police cooperation and the high-quality exchange of information on seizures of illegal weapons and ammunition and the smuggling of weapons, ammunition and explosives among all EU member states and states bordering on the EU are preconditions for reducing the availability of weapons in the illegal market.

In this regard, it is important to point out the lack of comparable databases both nationally and internationally, because it is impossible to investigate and draw relevant conclusions without high-quality input data and comparable statistics that indicate trends. Much more attention should therefore be devoted to the synchronisation, organisation, and management of relevant firearms-related databases, both nationally and internationally.

## 2. Characteristics of Croatia's illicit firearms market

Croatia's legal weapons market is regulated by the provisions of the Weapons Act and the Ordinance on Special Conditions for the Production, Accommodation and Sale of Weapons and Ammunition, the Repair of Weapons and the Guidance of Civilian Shooting.<sup>30</sup> Key factors of the legal weapons market are the licensed arms manufacturers (which must obtain Interior Ministry approval to produce weapons) and arms dealers (who need Interior Ministry approval to sell weapons and ammunition to license holders). Croatia's internal legal weapons market is influenced by the tradition of hunting and the development of hunting tourism and sports shooting. On 1 January 2017 a total of 266,479 firearms<sup>1</sup> were registered in Croatia, comprising 259,129 weapons in the possession of natural persons and 7,368 in the possession of legal persons. There were 106,616 firearms owners, including both natural and legal persons.<sup>31</sup>

The Croatian defence industry played a crucial role during the Homeland War. Today it represents an important component of the defence and security segment and is also an important part of Croatia's economic and export activity. Various types of Croatian military equipment are exported worldwide. In recent years arms exports strongly increased and currently exceed several billion Croatian kunas in value.<sup>32</sup> There is a limited number of firearms manufacturers in the country, the most important of which is HS Produkt Ltd. This company was established during the Homeland War and today has its factory in the city of Karlovac. HS Produkt manufactures four semi-automatic handgun lines, the VHS-2 assault rifle (which uses 5.56 x 45 mm calibre ammunition) and the VHS-BG grenade launcher (40 x 46 mm calibre). Approximately 95% of its products are exported to the US market.<sup>33</sup> There has been no known disappearance or theft of a weapon from the company in the last 17 years. In addition, the company does not have any information that its weapons have been used in illegal activities. The research team found that HS Produkt operates according to the highest world standards and conforms with domestic and EU legislation. The company is careful to protect its quality level and contracts, and attempts to ensure that no incident occurs that would threaten its existing brands and jobs.

After the end of the Homeland War and during the subsequent restructuring and modernisation of the country's armed forces, Croatia experienced problems with a surplus of weapons that were no longer needed in such large quantities. Some analy-

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<sup>1</sup> According to the Weapons Act, firearms are all devices that fire bullets, pellets, shots, arrows or other projectiles with the help of gunpowder gas pressure.

ses indicate that by the end of 2012 Croatia had exported weapons and ammunition worth €126 million to Saudi Arabia and €44 million to Jordan.<sup>34</sup> In 2013 the *New York Times* reported that many plane loads of weapons had left Croatia since December 2012, and not much later Croatian weapons began appearing in YouTube videos posted by rebels fighting in the Syrian civil war. Quoting undisclosed officials who were familiar with these transfers, the *New York Times* stated that the shipments included ‘thousands of rifles and hundreds of machine guns’ and an unknown quantity of ammunition that were part of an undeclared surplus remaining from the 1990s Balkan wars. However, Croatia’s Foreign Ministry and arms export agency strongly denied that such shipments had occurred.<sup>35</sup> In 2017 an investigative news report by Balkan Insight stated that in the first nine months of 2016 weapons and ammunition worth €83 million were exported to Saudi Arabia despite warnings that some of these deliveries ran the risk of being illegally diverted to war zones.<sup>36</sup> The Croatian authorities have repeatedly stated that they did not arm Syrian rebel groups. It should be noted that when a country legally sells weapons to another country that is not under embargo, the seller cannot realistically control the further sale or transfer of the purchased weapons and that abuse is beyond the control of the seller and is the responsibility of the buyer. This is not only Croatia’s approach to the sale of surplus weapons to crisis areas, but is also that of many other countries. These weapons can very easily come into the possession of combatants from either side of a conflict and then end up on the illegal market. They could even be smuggled back into Europe.

It is clear that the widespread possession of illegal firearms presents a considerable problem in Croatia. The widespread availability of such firearms is due to a number of historical and (geo)political factors such as the legacy of the Homeland War, the geographical location of the country on the Balkan route, corruption, and organised crime. However, the Croatian illegal weapons market is small and not very active. This apparent paradox is explained by the fact that Croatians mainly acquired illegal firearms for their individual needs and have limited interest in trading them. The demand for illegal firearms in Croatia has been largely met by weapons left over from the Homeland War. In the following sections we will discuss the characteristics and dynamics of the illicit firearms market in Croatia. We will start by exploring the difficulties of estimating the size of this market.



## 2.1 Estimating the size of Croatia's illicit firearms market

Research on estimates of the number of small arms and light weapons on the illegal market in Croatia is very limited, which is a little surprising in light of the apparent problem of the large numbers of weapons in civilian hands. The lack of previous credible research and reliable and detailed national databases means that it is difficult to compare data and to look at differences in these data over time.

A number of older estimates do exist, but have been criticised by government officials. Between January and June 2006 SEESAC conducted research into the possession of small arms and light weapons in Croatia by interviewing 30 people from state agencies dealing with small arms and light weapons and conducting a household survey across the country among a representative sample of a thousand people.<sup>1</sup> Based on this survey, SEESAC estimated that there were 371,000 legal and 597,000 illegal weapons in Croatia at the time of the survey.<sup>37</sup> These estimates have been the subject of dispute between experts in Croatia and the region during scientific conferences and official meetings, and in internal Interior Ministry and Security and Intelligence Agency reports. It should be noted that the SEESAC research project was not focused solely on the number of illegally owned weapons, but was directed at the general phenomenon of small arms and light weapons in Croatia. It is possible to assume that because of this not enough attention was paid to the development of the part of the research methodology that examined the number of illicit small arms and light weapons in citizens' possession, which is why the number of illegal weapons present in the country is disputed.

The 2009 National Strategy and Action Plan for the Control of Small Arms and Light Weapons<sup>38</sup> expressed the need to conduct research into illegally owned firearms in Croatia. Despite this, no such research has been carried out.

During 2014 the Small Arms Survey conducted research on firearms possession and armed violence in the western Balkans, referring to the 2006 SEESAC research, as well as the Gallup Balkan Monitor research of 2012.<sup>11</sup> This research estimated that Croatian citizens illegally owned between 150,000 and 600,000 firearms.<sup>39</sup> It should be noted that the research did not develop its own methodological framework for estimating the quantity of weapons, but relied on evaluations of the results obtained in other research. It was estimated that the majority of the citizens who

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I The survey asked two questions:

1. Are there any weapons in your household and, if any, how many?
2. How many weapons on average do you think people have in their households?

II Links to both research projects can be found on the Small Arms Survey website under its research activities.

possessed weapons lived in the areas affected by the most intense fighting in the Homeland War, but there was no further explanation and analysis.

In recent years no significant attempts have been made to investigate and establish realistic indicators of the number of small arms and light weapons illegally owned by Croatians. It is therefore currently impossible to reliably estimate the size of the Croatian illicit firearms market. The surveys undertaken for this study indicated that the interviewed government officials were aware of the existence of the problem of illegal weapons: 50% of them estimated the market as small, while the remaining 50% regarded it as medium in size, especially in areas where firearms of military origin are most often available. In addition, 60% of questionnaire survey respondents stated that there is a significant problem with the number of illegal weapons, as opposed to only 5% who considered that there is no problem with such weapons and 35% who considered this problem to be very small. In the following sections we will analyse the available data on seized and destroyed firearms.

### 2.1.1 Seized firearms

Although there is currently no reliable estimate of the number of illegally owned firearms in Croatia, seizure data suggest that this number is significant. Every year a large number of firearms are seized as a result of police investigations, primarily in searches of crime-related premises. Internal Interior Ministry data obtained for this study indicate that in the period 2007-2016 a total of 63,913 firearms<sup>1</sup> were seized by the police during criminal, misdemeanour or administrative procedures (see Table 1). These data show strong variations in the annual number of firearms seized in Croatia. They also indicate that after a peak in 2010, a consistent and significant decrease in the number of seized firearms can be observed, especially with regard to firearms seizures connected to misdemeanours and administrative infringements.

In 2011-2016 the Croatian police recorded a total of 3,462 criminal offences involving firearms.<sup>40</sup> These figures fluctuate strongly from year to year. Among others, the reasons for these annual fluctuations in criminal offences and seized firearms are believed to be the result of changes in the national legal framework, since the higher numbers of criminal offences and seized firearms were recorded during the period when the illegal possession of Category B firearms was considered to be a criminal offence. After amendments to the Criminal Code this became a misdemeanour, and as a result the numbers of criminal offences and seized firearms fell. There are also

<sup>1</sup> This information includes all types of firearms, but excludes ammunition and explosive devices.

**Table 1: Firearms seized, 2007-2016**

Year	Criminal	Misdemeanour	Administrative	Total
<b>2007</b>	683	2,094	2,607	5,384
<b>2008</b>	644	2,127	3,067	5,838
<b>2009</b>	618	2,980	3,265	6,863
<b>2010</b>	1050	3,649	4,403	9,102
<b>2011</b>	808	2,956	4,115	7,879
<b>2012</b>	885	2,480	3,524	6,889
<b>2013</b>	995	1,769	3,215	5,979
<b>2014</b>	1,050	1,854	2,999	5,903
<b>2015</b>	1,034	1,502	3,522	6,058
<b>2016</b>	845	1,243	1,931	4,019
<b>1 January 2007-31 December 2016</b>				<b>63,913</b>

Source: Croatian Ministry of the Interior

significant differences in the seizures related to the various procedures. It should be noted that these differences are the result of substantive changes in the legislation that regulates illegal-weapons-related offences. Thus, until the entry into force of the Criminal Code in the period to 1 January 2013, the unauthorised possession of weapons that did not fall into the category of prohibited firearms in terms of the Weapons Act was an offence punishable in accordance with the Act's misdemeanour clauses. In the first period of the application of the Criminal Code from 2013 to 2015 any unlawful possession of firearms, both prohibited and not prohibited, but for whose possession the approval of the competent authority is required, was a criminal offence. Amendments to the Criminal Code in 2015 have again introduced misdemeanour punishment for the illegal possession of firearms that are not prohibited, but for whose possession the approval of the competent authority is required. These changes have directly affected the statistical indicators of the number of criminal offences. However, even with these changes, the constant presence of illegal firearms can be observed through the number of detected criminal offences.

In addition, the activities of the border police and their detection of smuggled weapons should be taken into account. Between 2010 and 2016 the Croatian border police seized 2,521 firearms and 56,787 rounds of ammunition (see Table 2). In recent years higher numbers of rifles, pistols, and gas and signal weapons were seized. Interestingly, while the general firearms seizure data indicate a decrease in

the number of seized firearms, an increase in the number of firearms seizures at the country's borders can be observed. In addition, the data on seizures at state borders indicate that a significant number of replicas are also being seized. This suggests that these types of weapons are also available on the illicit firearms market in Croatia and are being smuggled into or out of the country. Reasons for a significant increase in the number of seized firearms during border controls should be sought, among others, in strengthened border police capacity since the start of the negotiations on Croatia's accession to full EU membership. After joining the EU, Croatia started preparations for Schengen accession, which is why it continued to strengthen its border controls by increasing the number of border police officers and the procurement of technical equipment for border control. This has resulted in greater rates of detection of cross-border smuggling and increased seizures of firearms and ammunition. Other types of weapons have also been seized. In November 2017, for example, the border police arrested a citizen of Bosnia and Herzegovina who attempted to smuggle 60 kg of military explosives from Bosnia to Croatia by boat across the Sava River.<sup>41</sup>

**Table 2: The number of firearms and rounds of ammunition seized at state borders, 2010-2016**

	2010	2011	2012	2013	2014	2015	2016	Total
<b>Cold-steel weapons</b>	84	73	216	446	278	477	504	2,078
<b>Pistols</b>	11	10	42	22	15	27	25	152
<b>Revolvers</b>	–	2	–	–	–	1	–	3
<b>Rifles</b>	14	14	13	9	5	13	24	92
<b>Gas and signal weapons</b>	7	7	21	7	6	27	92	167
<b>Air weapons</b>	3	–	4	6	4	8	4	29
<b>All firearms</b>	119	106	296	490	308	553	649	2,521
<b>Ammunition (rounds)</b>	2,011	27,877	3,904	9,101	9,047	2,160	2,687	56,787

Source: Croatian Ministry of the Interior Border Police

The details of a number of recent cases (see Box 2) highlight the wide variety of firearms, ammunition, related equipment (such as optical sights and silencers), and other types of weapons such as rocket-propelled grenade (RPG) launchers, hand grenades and explosives seized in Croatia. In addition, these cases suggest that the illegal private ownership of weapons mainly involves rifles, automatic rifles, pistols,

automatic pistols and explosives of military origin. A more detailed analysis of the cases in which police reported the brand and models of found and seized firearms also suggests that the majority of illegally owned weapons are of military origin and were probably left over from the Homeland War. Unfortunately, more detailed information about police activities leading to the recovery of these firearms cannot be established because they are confidential.

It was impossible to analyse the potential sources of illegal weapons in Croatia based on these data. This would require a deeper analysis of whether the weapon was intended for the domestic illegal market or for transit through Croatia to third countries. At the moment we do not have sufficient information for such an analysis, but the number of weapons seized at the country's borders helps to build up a wider picture of the problem of illegal weapons in Croatia.

### 2.2.2 Destroyed firearms

The Ministry of the Interior, the Ministry of Defence and the Croatian Armed Forces are responsible for destroying weapons. Data on destroyed firearms are significant because they not only show the number of weapons that no longer appear on the illegal market, but also illustrate government efforts to destroy surplus weapons and prevent their re-use. In cooperation with domestic and international organisations, the responsible ministries destroy large numbers of small arms and light weapons. According to data for the period 1993-2012, in total more than 70,000 small arms and light weapons were destroyed in several large (sometimes parallel) cycles:

- According to the National Programme, more than 15,000 long and short weapons (pistols, revolvers, rifles, machine guns and other) were officially destroyed at the Sisak Steel Factory between 1993 and 2001.<sup>42</sup>
- At the beginning of 2008 the Ministry of Defence and the Croatian Armed Forces organised the largest destruction to date of surplus military small arms and light weapons. Twenty-five thousand weapons of various kinds were destroyed as part of the UN Action Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and in line with Croatia's obligations to the EU and the Organisation for Security and Cooperation in Europe. The destruction was carried out by members of the Armed Forces at a repair facility in Zagreb and on a military firing range in the presence of representatives of international organisations and military envoys.<sup>43</sup>
- On 19 October 2012, during the 20th round of weapons destruction in the MIV factory in Varaždin, the Ministry of the Interior in cooperation with

UNDP concluded the EU-funded regional small arms project to destroy 30,000 small arms and light weapons.<sup>44</sup>

### Box 2: Some recent illustrative firearm seizures

In December 2014, during a house search, police found and seized six hand grenades, 6,055 rounds of various types of ammunition, one semi-automatic rifle, two automatic rifles, one hunting rifle, three hunting carbines, one mini-calibre rifle with an optical sight and silencer, 11 automatic rifle tanks, two pistols, four electric detonator capsules, two hand grenade fuses, 1.4 kg of military explosives, one hand grenade, one hand-made firelock, 263 cartridges, seven gun barrels of various calibres, and various other rifle parts.<sup>45</sup>

On 7 January 2015 the police concluded an investigation that ran for several months during which a truck with Dutch registration plates driven by a Dutch citizen was found to be carrying a rifle of unknown origin, 22 hand grenades, two RPG launchers, two CZ M88 pistols, one Beretta 9 mm pistol, two M70 B1 automatic rifles, a CZ M70 automatic rifle with folding stock, a Kalashnikov rifle, an M53 machine gun, an M72 machine gun, four RBR 64 mm hand grenade launchers, firing pins for an M53 machine gun, five ammunition belts for a light machine gun, three M70 automatic rifle magazines, 250 rounds of 7.62 mm ammunition, 860 rounds of 7.9 mm ammunition, and five detonator caps. Nine people were arrested: eight Croatian citizens and one Dutch citizen.<sup>46</sup>

In January 2015, during the search of a house owned by a Croatian citizen, police found and seized 20 pistols, 16 automatic pistols, nine automatic rifles with associated magazines and ammunition, 2.8 kg of explosives, and 30 hand grenades. A subsequent search revealed another gun and a home-made rifle, as well as dozens of rounds of ammunition, dozens of silencers and 12 laser sights.<sup>47</sup>

In August 2016, during a house search, police found a total of 10,365 rounds of various types of ammunition, eight rifles (including one automatic rifle), four pistols, 13 complete silencers and several silencer parts, 12 different magazines, 11 detonators caps, 11 metres of detonating cord, four hand grenades, one explosive bullet and various weapons parts. The investigation found that the suspect acquired the weapons, ammunition and explosive devices immediately after the Homeland War and then stored them illegally in his home.<sup>48</sup>

During our research we found no information on recent weapons destruction activities. We also concluded that there is no unified system for the tracking and recording of destroyed weapons in Croatia.

## 2.3 Main characteristics of the Croatian illicit firearms market

The main feature of the illicit weapons market in Croatia is that it involves only small transactions, despite the large amount of weapons in citizens' illegal possession. The predominant theory is that individual citizens are usually the buyers and sellers of weapons, which supports the argument that the illegal market involves only small quantities of weapons. Supply mechanisms indicate that individuals sell weapons on the illegal market, although the possibility that OCGs are also involved cannot be excluded. To date, no major and significant cases have been officially reported that OCGs were significantly involved in these activities. In the following sections we will analyse the various supply mechanisms of the illicit firearms market in Croatia and the actors involved. Unfortunately, too little evidence is available for an in-depth analysis of the other characteristics of this market.

### 2.3.1 Supply mechanisms

In our survey, respondents were asked how they believed weapons ended up on the illegal market. The analysis of these responses reinforces the perception that most weapons on the illegal market originate from items illegally owned since the Homeland War. Smuggling from other countries, illicit production and theft were not considered to be important sources of supply.<sup>1</sup>

#### Legacy from the Homeland War

The illegal market is largely supplied by weapons acquired to defend the country in the Homeland War. At that time a significant amount of weapons were imported both legally and illegally: during the war Croatia was under an international arms embargo and armed itself in various ways. Citizens who lived in war-affected areas armed themselves both for personal protection and to fight in the war. In addition, during the war large quantities of weapons were captured from the former Yugoslav People's Army. Since the primary focus was on the defence of the country,

<sup>1</sup> 37% and 39%, respectively, of respondents stated that 'very few' and 'few' weapons end up on the market through smuggling. 21%, 53% and 27%, respectively, of respondents stated that 'no', 'very few' and 'few' weapons end up on the illicit market through illegal production.

it was difficult to establish any form of control, and the number and type of weapons in the country, particularly those owned by civilians, were not recorded. Interviewed military and security analysts stressed the importance of easy access to small arms of military origin used in the Homeland War or kept in the reserves of the former Yugoslav People's Army and other former state bodies.

Semi-automatic and automatic weapons such as pistols and various versions of the AK-47 assault rifle can be found on the illegal market. The average price ranges from €100 to €500 per weapon, depending on the type. Due to its reliability and longevity, the AK-47 has significant personal value for the people who own it, and its price on the illegal market does not reflect this personal value. Similarly, during the Homeland War many bought AK-47-type assault rifles on the illegal market for more than they are now worth, which is one of the reasons why they may not want to sell them for lower prices today.

### Cross-border smuggling

In various international media reports and some of the research undertaken for Project SAFTE, Croatia is mentioned as a source of illegal weapons used in criminal offences in other countries. These claims could not be substantiated during our research: we did not find any links in court judgments and police operations in Croatia that have a direct link with such claims. This indicates the need to continue detailed research on this topic, improve the exchange of information and confirm the authenticity of media claims.

In this section it is worth pointing out two recorded cases of weapons smuggling across Croatia to Western Europe, the first from 2003, the second from 2010. In both cases, members of Croatian OCGs acquired weapons (dozens of pistols and several kilograms of detonators) on the illegal market in neighbouring countries and smuggled them to the Netherlands and Scandinavian countries. Interestingly, in their destination countries these weapons were subsequently traded for large quantities of cocaine, ecstasy and amphetamines, which were then smuggled into Croatia and sold on the local market. In this way the smugglers realised high earnings compared to the potential earnings from the sale of the weapons in Croatia.<sup>49</sup> No evidence was found that the weapons were either illegally or legally acquired in other countries and subsequently transferred to Croatia for illegal sale there. Yet this does not mean that there are no such cases. We consider that this is not a common practice since quite large supplies of (generally not too expensive) illegal weapons are available in Croatia itself and potential weapons smugglers may not consider it worth the risk to smuggle weapons into the country for such small returns.



## Illegal production

Some of the weapons that ended up on the illegal market were illegally produced. The best-known case is that of the Vugrek family, which for generations was legally involved in repairing and remodelling firearms. At the beginning of the Homeland War, when there was a shortage of firearms, a member of the Vugrek family designed and produced a sub-machine gun known as the Agram. Since the Croatian Army had decided to adopt the ERO sub-machine gun manufactured by HS Produkt, the Vugrek family did not obtain a licence to manufacture the Agram, even though the design of the subsequent Agram 2000 was improved. After several murders were committed using Agram sub-machine guns, the police investigated the Vugrek family (first in 2006 and then in 2013) and found an illegal gun factory in their home.<sup>50</sup> The production equipment was seized in criminal proceedings and members of the family are currently in prison. There were also a few cases of small-scale production during the Homeland War. All such factories were closed during war, but some weapons produced in them are still in existence.

## Theft

The storage of firearms in Croatia is primarily under the jurisdiction of the police and the Armed Forces, because police and army personnel are the main users of firearms in their duties. Manufacturers and firearms dealers also store some weapons. All of these are a potential source of weapons for the illegal market.

The Croatian police, with EU financial support and in cooperation with UNDP, established the MURAT central weapons and ammunition storage facility in the city of Jastrebarsko. The facility is equipped with modern security systems to control access and prevent unauthorised access. Thefts mainly occur from small police storage facilities where weapons seized in criminal and misdemeanour proceedings are kept until the end of these proceedings. Small military storage facilities are also targeted. It is not unusual for weapons to disappear from these two types of facilities. In 2003, for example, 231 HS95 pistols with related equipment were stolen from the Sveti Križ military storage facility in the Split area,<sup>51</sup> while in 2010, 549 pistols (with an estimated value of 30,000 kunas) were removed from the police storage facility in Sesvete.<sup>52</sup> Some more recent examples illustrate the recurrent problem of stockpile theft. In 2015, for example, it was discovered that three police officers from the Dubrovnik-Neretva police department stole firearms that should have been destroyed, in 2016 an official police sub-machine gun was stolen from the police station in Ogulin,<sup>53</sup> while in 2007 about 20 ERO sub-machine guns were removed from the police station in Zaprešić. The subsequent criminal investigation found that the guns were sold to a member of a Zagreb criminal group for €9,500.

It can be concluded that the central military and police storage facilities in Croatia are generally well equipped and protected and that weapons very rarely disappear from them. However, small storage facilities at police stations and lower-level military units are not well protected and are therefore more prone to theft. Improving the security systems of smaller firearms stores through cooperation with key international partners and with EU financial assistance is therefore recommended.

### 2.3.2 Actors

The surveys undertaken for this study provide some insight into the actors involved in the illicit firearms market in Croatia. More than half of the experts (54%) who completed the statistical questionnaire, for example, believed that the illegal weapons market is mainly supplied by illegally owned weapons left over from the Homeland War. The assumption is that individuals tend to put small quantities of weapons into circulation on the illegal market, that this is not an organised activity, and that it is difficult to acquire larger quantities of weapons in this way.

When asked about who sells illegal weapons in Croatia, the majority of respondents (61%) considered that they are sold by individuals, while 19% thought OCGs were the main sellers of weapons.<sup>I</sup> It is necessary to see this in the context of answers to questions on who purchases illegal weapons in Croatia and who smuggles illegal weapons through the country. Most participants answered that individuals from Croatia bought weapons (41%), while OCGs (20%) and citizens from other countries (13%) were named less often.<sup>II</sup> In terms of the second question (on smuggling), 41% of participants answered that OCGs were the main actors. Citizens from other countries (20%) and individuals from Croatia (18%) were named less often.<sup>III</sup>

An interesting aspect of these responses is the role of OCGs, with 19% of respondents asserting that OCGs sell illegal firearms, 20% believing that OCGs buy illegal firearms and 41% thinking that OCGs smuggle illegal firearms through Croatia. This is in contrast to the available official data, which do not reflect interviewees' perceptions. OCGs were also mentioned in some documents and media reports (that we have analysed earlier in the text) as actors in a chain involving the purchase, transfer and sale of weapons on the illegal market. We did not encounter official indicators, statistics, court verdicts or police reports to confirm such a thesis, especially in terms of the trafficking of larger amounts of weapons. Clearly,

I 18% declared that they did not know or had no information about this issue.

II 23% of respondents stated that they did not know, while two answers were invalid responses.

III 21% of respondents stated 'I do not know/I have no information'. One answer was an invalid response.

however, this does not mean that such activities do not occur. Ongoing investigations by their very nature cannot be described here. Further research on the role of OCGs would be beneficial.

## 2.4 Croatia as a transit country for illegal weapons

The analysis in this section is based on official documents, assessments by competent institutions and border police records reflecting the number of seized weapons. Unfortunately, operational indicators and data on significant cases of smuggling of larger quantities of weapons were not available during the study. Most importantly, because the correlation between a particular weapon and its end use cannot be ascertained with great certainty from the available data, we prefer not to speculate on such links.

As mentioned above and as stated by the Security and Intelligence Agency, arms smuggling from South Eastern Europe to EU member states mainly involves weapons still in circulation from the 1990s wars and thefts from poorly secured arms depots in some countries. From an analysis of what few relevant data are available and the perceptions of experts interviewed for this study and those who filled in the questionnaires,<sup>1</sup> we believe that Croatia may be a significant route for the transport of illegal weapons through its territory, although adequate concrete evidence of this was lacking.

To sum up: it is difficult to determine the size of the illicit firearms market in Croatia, primarily because of the lack of available and reliable data. Furthermore, although many Croatians own a large number of illegal firearms, the active marketplace is comparatively small. Ultimately, the domestic illicit firearms market is not considered to be a significant problem and is probably small to medium in size. Croatia could be a transit country for smuggled firearms. However, the limited information currently available means that we are unable to be more specific about certain aspects of the illegal market. Further research needs to be done in this area.

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<sup>1</sup> More than half of the participants (58%) considered that Croatia is mostly a transit country for illegal firearms, while a further 24% agreed that it is a transit country, but that there is some element of supply on the illegal domestic marketplace. 14% answered 'I do not know/I have no information'. This means that 82% of respondents believe that Croatia is a transit country for firearms, with only 3% dissenting from this view. Such a response should be seen in the context of the state of the illegal armaments market and the availability of weapons on this market.

### 3. Terrorist access to Croatia's illicit firearms market

The aim of this section is to understand the potential for terrorist activities to occur in Croatia involving terrorist access to illegal weapons, either independently or in cooperation with OCGs. It is also necessary to consider if firearms produced or procured in Croatia are being used for terrorist activities beyond its borders.

The Croatian National Strategy for the Prevention and Suppression of Terrorism<sup>54</sup> defines 'terrorism' as the planned, systematic and purposeful use of violence or the threat of violence against people and/or material objects, as the means of provoking and using fear among an ethnic or religious community, the public, the state or the entire international community to achieve political, religious, ideological or socially motivated ends.

Since the end of the Homeland War there has been minimal terrorist activity in Croatia. In recent decades only one terrorist attack has been carried out: on 20 October 1995 a suicide bomber blew himself up in a car in front of the headquarters of the Primorje-Gorski Kotar County Police Department in Rijeka. This was also the first attack by radical Islamist terrorist organisations in Europe. During the attack, for which the Egyptian terrorist organisation Al Gamma'a Al-Islamiyya claimed responsibility a day later, 29 people were injured, while only the perpetrator was killed. The aim of the attack was to force Croatian authorities to release the spokesman of the organisation Tala'at Fuad Kassem, who had been in police detention in Zagreb since 12 September 1995.<sup>55</sup> No firearms were used in the terrorist attack, while no small arms and/or light weapons were found that were intended for use in the attack.

According to the Croatian authorities there are currently no terrorist groups or individuals in Croatia who are officially seen as perpetrators of terrorist acts, or people clearly involved in terrorist activity.<sup>1</sup> There are currently no identified direct threats from terrorism in the country and no information is available about the activities of individuals or groups associated with terrorist organisations. However, if we take into consideration Croatia's geopolitical position, and in particular its full membership of the EU, NATO and other international organisations, associations and initiatives, a threat arises from the country's membership of such organisations. It should also be noted that no activities of organisations, groups or individuals associated with terrorism in Croatia have been recorded.

<sup>1</sup> For more information, see the National Security Strategy of the Republic of Croatia, and Security and Intelligence Agency public reports.

For now, there is no official awareness within the entire Croatian security sector that terrorists are acquiring weapons on the illegal market in Croatia or that the illegal weapons from Croatia are being transferred outside the country to arm terrorists. The respondents to our statistical questionnaire share this view: they are aware of the dangers of terrorism, but they consider it to be a small threat to Croatia.<sup>I</sup> They also expressed the belief that terrorists occasionally transit through Croatia.<sup>II</sup>

Because the 1995 terrorist incident is unique, it is not possible to draw conclusions from it that are relevant to the research subject because the suicide bomber did not use firearms. Also, no relevant data have been found that could be analysed for the purpose of this research and there is no evidence of terrorist groups in Croatia acquiring firearms. In the following paragraphs we will therefore focus on the potential access of terrorists to the illicit firearms market.

Analysis of terrorist attacks carried out in Europe since January 2015 show that firearms were used in some form in most of them, whether as the main means of executing an attack (e.g. the attack on the *Charlie Hebdo* office in January 2015), as an auxiliary device, or in obtaining the main means of attack (e.g. the attack in Berlin in December 2016). Although the source of the firearms used in some terrorist attacks could not be clearly identified, the media have often identified the western Balkans as the source of the weapons, especially automatic weapons of military origin, while Slovakia has been reported as a source of modified weapons.<sup>56</sup> Some media sources have reported the possible linkage of weapons from Croatia to the Irish Republican Army<sup>57</sup> and accused leaders of the Serb Republic in Bosnia and Herzegovina of arming this group.<sup>58</sup> It is significant that these media reports have never been officially researched and either confirmed or denied by national or international bodies. However, regardless of the actual sources of the firearms used by terrorists, the availability of firearms on the illicit market points to the fact that there is insufficient systematic control and suppression of the illegal weapons market at the EU level.

From interviews with government officials a common opinion emerged that although many Croatian citizens undoubtedly own large numbers of illegal weapons, the illegal market is small and weak (although the possibility of individual purchases cannot be excluded), and there is no evidence that such weapons are available to

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I When asked if terrorism is a real threat to Croatia, most participants (56%) considered that it poses little threat to the country and 10% even considered that it poses no threat, while only 31% of participants believed that terrorism represents a real threat to Croatia and 3% perceived it as a major threat.

II When asked if Croatia is a transit country for terrorists, the majority answered positively: 'periodically' (60%) and 'yes' (28%). The remaining 12% of respondents stated that they did not know or did not have enough information to answer this question. One answer was left empty.

terrorists, a finding that is based on official statistical and operational indicators and findings. If the creation of terrorist networks in Croatia or the increased involvement of OCGs in the country should occur, then there may be a danger that there will be an opening up of the market, with more weapons becoming available.

Military and security analysts consider that in general insufficient material is available for deeper analysis of specific features of this potential phenomenon. When asked in the statistical questionnaire whether terrorists are using illegal weapons market in Croatia for their own supply, a large group of participants (42%) answered that they did not know or had no information on this subject, followed by 'periodically' (34%), 'yes' (13%) and 'no' (11%). These responses show a lack of information about this complex issue among core practitioners and stakeholders who are directly or indirectly involved in tackling serious crime and terrorism. This shows that the true situation is currently unexplored and that there is an urgent need for further research.

In a follow-up question, respondents were asked whether terrorists obtain or have obtained weapons with the help of links with OCGs. Interestingly, the largest number of respondents (39%) considered that such links exist. However, these answers should be seen in light of the 37% who said that they did not know or have information on this subject. Clearly, there is not enough relevant information, knowledge and understanding in general about this issue, and responses are likely to be based on rough perceptions rather than real understanding or knowledge.

In conclusion, the answers to this part of the questionnaire indicate that survey participants considered Croatia not to be a potential terrorist target, but rather as a transit country for terrorists (and also a site for firearms acquisition). The most specific thoughts on this issue came from an Interior Ministry expert with considerable experience of the issue of arms smuggling: *"99% of weapons smuggled through Croatia to Western European countries come from South East Europe. From Asia and Africa almost no weapons pass through Croatia, since their main smuggling channels are through Italy and especially Spain. As for the so-called Balkan route, it exists as a smuggling channel because its main (central) part passes through the continental part of Croatia. There are also two auxiliary routes (north and south), and the southern route passes partly through the coastal part of Croatia."*

He added that *"based on long-term monitoring of weapons issue, I conclude that the illegal arms trade in Croatia and its near neighbourhood is not really a highly profitable business. For this reason it is not the main activity of criminal groups and such activities are mostly organised ad hoc. This paradoxically complicates the work of the police to detect organised groups of weapons smugglers. From my involvement in all the*

*important criminal investigations in the last ten years, I can conclude that smuggled weapons from Croatia are primarily targeted towards criminal groups, most notably in the Netherlands, Sweden, Germany and the United Kingdom, while the weapons used in terrorist attacks in Western Europe came from smuggling routes through Spain, although Serbian and Bosnia-Herzegovina origins cannot be excluded."*

## 4. Conclusions

This research study examined three key issues:

1. Croatian national policy to fight the illicit firearms market and terrorist access to this market;
2. the size and characteristics of the illicit firearms market in Croatia; and
3. the potential for terrorists to procure firearms from the illegal weapons market in Croatia.

The *first key finding* is that Croatian citizens own a large quantity of illegal firearms, primarily as a legacy of the Homeland War (1991-1995). However, it is extremely difficult to accurately gauge the number of illegal weapons in circulation. Past estimates are questionable because of the method of collecting and processing data. During the Homeland War a significant number of weapons were imported both legally and illegally, which today can be traded on the illegal market. They are mostly semi-automatic and automatic weapons such as pistols and various versions of the AK-47 assault rifle. A small but significant number of firearms have also been stolen from police and military storage facilities and ended up in illegal hands.

The *second key finding* is that, despite the fact that citizens own a large number of illegal firearms, the actual active illegal firearms market in the country is small and weak, and prices are relatively low, ranging on average from €100 to €500 per firearm, depending on the type of weapon. Firearms appear to be purchased individually or in small quantities, with limited opportunities to purchase large quantities of weapons, while buyers and sellers are mostly individuals who are not involved in general weapons trading. Most weapons offered for sale are left over from the Homeland War. Although illegally possessed firearms can be found all over Croatia, their initial journey mainly began in areas where military operations occurred during the war. OCGs are occasionally involved in smuggling, but further research is needed into the transit of illegal weapons through the country. In light of the presence of the so-called Balkan route, it is realistic to assume that Croatia is a transit country for smuggled firearms, among other items.

The *third key finding* is that Croatia is not being used to any significant degree to supply illegal weapons to terrorists, although it is certainly a transit country for weapons smuggling in general, and some of these weapons could end up in terrorist hands. It should be noted that in the last 25 years there has been minimal terrorist activity in Croatia, while no terrorist groups or individuals have been identified recently in the country. While it is possible that potential terrorists could acquire firearms from OCGs, we found no concrete evidence of this.

In the past decades several *policy instruments* have been developed to combat the illicit possession of and trade in firearms in Croatia, including primarily the Weapons Act and Criminal Code with an additional strategic framework. These instruments are fully harmonised with EU legislation. Two important features are noteworthy in this regard: firstly, the legislation itself is not a problem, but its implementation is; and, secondly, some regulations are unrealistic and the restrictive policy governing the legal procurement of weapons in the country could encourage illegal ownership. Cooperation among the various state institutions responsible for dealing with the illegal firearms market is a keystone of state policy, as is cooperation with international bodies. Croatian citizens have surrendered large numbers of illegal weapons, and police have seized other illegal firearms in the country itself and at the borders with neighbouring states. The police and Armed Forces have destroyed large numbers of illegal or surplus small arms and light weapons.

National policies to prevent terrorists from entering the illegal weapons market are very strict and designed to minimise such activities. This is a key priority in Croatia. However, the country is unable to control the acquisition by terrorist groups of weapons legally produced in Croatia and legally sold or donated to other countries.

During this study we have identified several *challenges* confronting attempts to combat the illicit possession of and trade in firearms. The Croatian government announced the completion of the implementation of the National SALW Strategy and its Action Plan in 2015. However, the problems and challenges identified in this research prompt the recommendation that a similar programme should be drawn up and implemented that will continuously regulate the activities of all the institutions involved in the illegal weapons issue and monitor the results of their activities. Clear strategic and tactical action plans should be developed at the national level that would raise awareness about the dangers of illegal weapons, standardise security at all weapons storage facilities, and require key actors to cooperate more effectively in implementing the existing system of regulation.



The aim of this research was to answer with as much precision as possible questions about the state of national policies to prevent the entry of terrorists into the illegal weapons market, the characteristics of this market and the possibility of terrorists acquiring weapons on it. Research of this kind has never been carried out in Croatia. Empirical security-related research is very rare in the country and therefore – and also due to the sensitivity of the subject – many participants in interviews and surveys were restrained in their responses. Full statistical indicators of material for the research were not available to the research team, but with the help of the Ministry of the Interior, which provided the available databases, an analysis was carried out. This analysis showed that it is not possible to accurately determine the number of illegal weapons in Croatia, the size of the illegal market and the possibility of terrorist access to that market. The majority of the conclusions of this research project are based on the perceptions of key stakeholders with very different profiles who were or still are actively involved in firearms and terrorism control and management. Using these perceptions and what materials are available, this study has identified trends that form a good basis for further research on these phenomena in both Croatia itself and in the wider region.

The need for further research should be emphasised. South Eastern Europe and countries such as Ukraine that have either previously experienced or are experiencing armed conflict on their territories are a rich source of weapons. It is necessary to extend the existing research in these areas to more accurately understand the extent of the problem, to identify the challenges and to make recommendations for further activities to tackle the issue of illegal firearms. Extremely limited research into this issue has been undertaken in Croatia, and based on the initial results of the present study, it is strongly recommended that further in-depth research be conducted. The argument for doing so is reinforced by the widely diverse and inconsistent perceptions of the key informants who contributed to this study. Clearly, few facts are known and few data are available that would allow a better understanding of the problems confronting Croatia and the wider region. In light of the widespread terrorist attacks in recent years across Europe, it is a matter of some urgency that our understanding of these problems should be based on much firmer factual information. This study suggests the need for higher level of cooperation between law enforcement agencies, judicial bodies, business entities, legislators and the scientific community. All are called and have not only the need, but also the obligation to cooperate, exchange information and strengthen the capacity of the system as the challenges ahead of us significantly increase and only with joint action they can be respond to.

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# Illegal weapons, gangs and violent extremism in Denmark

LINA GRIP

Denmark is a relatively small country with an exceptionally high standard of living, although the trends in Denmark's Human Development Index show that its national development has flattened out in the past decade.<sup>1</sup> The Global Peace Index ranked Denmark the second most peaceful country in the world in 2016, ranking very low in, for example, violent crimes and access to weapons.<sup>2</sup> Denmark has limited experience of terrorist attacks carried out with firearms, with only six incidents occurring in the past 36 years. Yet on 14-15 February 2015 Copenhagen was the site of two terrorist attacks carried out with firearms. In two shootings in different locations an armed man killed and injured several people in the course of less than 12 hours.

This study seeks to investigate the illegal gun market dynamics in Denmark and how terrorists could have access to that market. Previous studies on these issues in Denmark have been rather limited. The present study's analysis is therefore mainly based on police data on seized firearms and a few expert interviews. Where relevant, the analysis was enriched with complementary information from various sources (see Box 1). The first section lays out the key Danish actors in the fight against illicit firearms and national policies to deal with these firearms, including terrorists' access to them. The following sections analyse the characteristics of the illicit firearms markets in Denmark and terrorists' and violent extremists' potential access to firearms on these markets. The last section provides conclusions.

## 1. National actors and policies for fighting illicit firearms

The Danish approach to controlling illegal firearms and preventing terrorist access to weapons has been targeted primarily at fighting criminal gangs and enforcing the country's strict gun legislation among civilian, non-violent firearms owners and

traders. The aim has been to weaken criminal gangs, to deter criminals from using firearms in their activities, and to reduce the availability and use of illegal firearms.

### 1.1 Legal framework

The key legislative acts dealing with legal firearms possession, distribution and trade are:

- the Danish Weapons and Explosives Act (Act 1005 of 22 October 2012, with subsequent amendments);
- the Danish Weapons and Ammunition Order (Order 1248 of 30 October 2013, with subsequent amendments);
- the Danish Weapons and Ammunition Circular (Circular 9597 of 30 October 2013); and
- the Danish War Material Act (Act 1004 of 22 October 2012).<sup>3</sup>

#### Box 1: Research design

The study started with a literature review of the existing academic and policy literature on illegal firearms in Denmark. The existing literature was very limited in scope: not a single publication devoted exclusively to the topic was found during the study. Although the academic and policy literature on illegal weapons in Denmark is very limited, the Danish authorities regularly collect data on firearms, and seized firearms are typically sent to the Nationalt Kriminalteknisk Center (National Forensics Centre) for analysis. This means that the authorities have information on, for example, weapon types and the countries where illegal weapons that are seized by Danish authorities were produced. The National Police also keep records of whether firearms were seized in connection with criminal gangs, although establishing this is not always straightforward. The centralisation of firearms statistics in Denmark was of great assistance. This case study of illegal gun markets primarily used statistics collected by the Nationalt Kriminalteknisk Center and the Nationalt Efterforskningscenter (National Investigation Centre), both of which form part of the Danish National Police.

Besides this quantitative data collection and analysis, two expert interviews were conducted. The first was with experts from the National Investigation Centre. The second interview was with a Danish academic who specialised in extremism in Denmark. These interviews and the data shared by law

enforcement agencies were absolutely crucial for the study. Unfortunately, a number of other stakeholders (including city authorities in Copenhagen and officials in the Ministry of Justice), three academics and other sections of the police declined to be interviewed on the subject. The response by these stakeholders was that they did not feel that they had sufficient insight into or expertise on the topic of terrorist access to illicit firearms in Denmark (or illicit firearms markets in Denmark more broadly).

In addition, a number of other sources were used to provide complementary information that was relevant to this study. The section on gang violence and shootings, for example, relied heavily on the annual reports on gang violence in the period 2010–2016 produced by the police's National Investigation Centre, as well as to a more limited extent on Danish criminal statistical reports and national reports to the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPOA). The author used the Global Terrorism Database to identify terrorist incidents in Denmark in the past 36 years. The section on violent extremism and the crossover between gang criminality and extremism relied primarily on academic publications, as well as on the above-mentioned expert interview. News media were also used to a limited extent primarily to collect additional information on specific events, including smuggling and terrorism-related cases.

Denmark has one of the strictest – possibly the strictest – gun ownership laws in Europe. The only type of weapon that civilians may own without a licence are air rifles of a calibre of 4.5 mm or less. All other firearms, including gas pistols, alarm weapons and deactivated weapons, require a licence. In Denmark, self-defence is not a legitimate reason for acquiring a weapon, and civilians are never granted a firearm licence for self-defence reasons. The only two reasons for being granted a firearms licence are for sports shooting and hunting purposes. To gain an individual licence, sports shooters are required to have been active members of a sports shooting club for at least two years. Members without a firearms licence may practise their shooting at the firing range of the club to which they belong using the club's own licensed weapons, but they may not take any of these weapons home. Sport shooting clubs in Denmark currently have approximately 75,000 members; of these, about 20,000 members hold firearms licences. Dynamic sports shooting with semiautomatic rifles, as defined by the International Practical Shooting Confederation, is not allowed in Denmark. To have the right to hold a licence for hunting, individuals must pass an advanced hunting exam, which includes skills



on how to handle weapons properly. Although Danish law accepts that hunters use semi-automatic rifles with a magazine capacity of more than two cartridges, hunters may never carry more than two cartridges in their semi-automatic rifles at one time. There are currently approximately 250,000 hunting licences in Denmark, of which about 170,000 are active (the rest are suspended due to unpaid licence fees). A background check is conducted for all firearms licences and all licences are issued for a specific period.

Acquiring antique firearms (those produced before 1890) also require registration with and notification to the authorities. Collectors of antique weapons may not keep ammunition for their old guns and pistols. Collectors of firearms must keep an updated list containing information about the weapons in the collection that must be renewed once a year, as well as a list of any changes to the weapons in the collection, which needs to be sent to the police's administrative centre. The purpose of this is for the police to have an updated record of available weapons in order to avoid unregistered weapons disappearing in thefts or robberies, and thus possibly supplying the illicit firearms market.<sup>4</sup>

All firearms must be stored in an authorised weapons cabinet, which must be bolted to the floor or wall if it weighs less than 1,000 kg. Storage of up to 25 conventional weapons or ten particularly dangerous firearms should be in a security cabinet conforming to at least EN1143-1 grade O or a security level corresponding to this. A collection of more than 25 regular weapons or ten particularly dangerous firearms (pistols, semi- and fully automatic weapons, smoothbore shotguns with a barrel length of less than 55 cm, and semi-automatic shotguns) should be stored in a room with a security level equivalent to at least EN1143-1 grade 1, or in a security cabinet conforming to at least EN1143-1 grade 1, or a security level corresponding to this. In addition, an automatic burglar alarm system linked to a control centre approved by the National Police must be installed.<sup>5</sup>

The minister of justice or a person authorised by the minister has the right to carry out checks at any time and without a court order of the weapons collections of individual collectors; the stockpile and weapons records of dealers; the records of those who transport weapons; and the ammunition storage facilities of persons and associations, including those who are authorised to recharge ammunition.<sup>6</sup> In one such check of 152 collectors in 2010, the East Jutland Police confiscated 250 antique weapons from 29 civilian collectors over the course of two days, due to their failure to report the new antique weapons that they had added to their collections. Another charge was that the owners had not stored their weapons in approved firearms storage facilities.<sup>7</sup>

## 1.2 Legislative criminal gang packages 1, 2 and 3

As will be illustrated later in this study, much of the illicit possession and use of firearms in Denmark is mainly connected to the activities of criminal biker gangs and street gangs. In an effort to curb gang violence (which often involves firearms), law enforcement in Denmark has worked through so-called legal 'gang packages', with one legislative package launched in 2009 and a second in 2013. A third initiative, 'Gang Package 3', is currently under way.

The first legislative package aimed at addressing situations where several shootings, or similar serious violent incidents, had taken place and the individual acts of violence were assumed to be connected to a conflict between criminal groups (i.e. inter-gang violence). It introduced a provision for the imposition of up to double penalties for specific illegal actions carried out as part of inter-gang violence, as well as a minimum sentence of one year in prison for the illegal possession of firearms (up from six months' imprisonment prior to the reform). The legislative package also included the introduction of zone bans, under which the police may issue a ban on entering and residing in an area with a radius of 500 metres; any violation of a zone ban leads to a prison sentence.<sup>8</sup>

In the first quarter of 2013 Copenhagen witnessed some of the worst motorcycle club and gang violence for several years. The police recorded more shooting incidents in the first quarter of 2013 than in the whole of 2012. Several of these incidents occurred in densely populated areas and involved the use of, for example, machine guns, at times when many innocent people were in the area. A key component of the 2013 package was to tighten the penalty for the illegal possession of firearms in specific circumstances, that is, when the firearm is carried in a public space, with an additional sentence if ammunition for the firearm was simultaneously carried. The penalty was increased from one year in prison to one year and three months for the first offence in the case of illegal possession of firearms in public places without ammunition; and imprisonment for one year and six months for the first offence in the case of the illegal possession of firearms in public places with ammunition. For a second offence, Danish law has a 'gang clause', that is, a provision that allows the imposition of a double sentence for certain serious crimes.<sup>9</sup>

The Danish justice system imprisoned 302 gang members between 2012 and 2016. In June 2016 315 gang members were in Danish prisons.<sup>10</sup> Entries in the criminal register for 2015 and 2016 show that motorcycle club and other gang members in particular had been charged with various public crimes involving weapons and drugs, including violations of the drug laws, theft, burglary and crimes against the

public authorities.<sup>11</sup> In 2016 the upsurge in shootings in public places in Denmark again initiated a legal reform package to curb gang violence.

In continuation of Gang Package 2, Gang Package 3 is currently being processed and is expected to be adopted soon. The legislative package includes 28 provisions divided into three focus areas: (1) ensuring the safety and security of all Danish citizens; (2) keeping gang criminality off the streets; and (3) applying legal pressure on criminal gangs. The initiatives include banning motorcycle club members from returning to the areas where they have committed crimes, special efforts against extortion in gang environments, easier steps to close motorcycle clubhouses, etc. Of particular interests to the weapons-related area are the following:

- The minimum penalty for the possession of firearms in public places will double, for example, from approximately one year in prison to approximately two years for the possession of firearms without ammunition.
- An additional penalty is introduced for all crimes where weapons have been used in public areas, in terms of which any penalty may be increased by ‘up to half’. For example, a crime that on its own results in a sentence of up to ten years (such as robbery) will increase to 15 years if a firearm was used in the execution of the crime. Previously, this only applied to inter-gang violence, but in Package 3 it always applies to other serious crimes.
- Due to intelligence data indicating that criminals are learning shooting and weapons-handling skills in shooting clubs, and that shooting clubs have accepted members with prior criminal and problematic mental health records, Gang Package 3 includes new provisions for increasing control of Danish shooting clubs. Approval of membership of shooting associations will be subject to approval by the police. All members who do not have their own firearms licences but use shooting club weapons will be checked (this includes some 50,000 people), as well as all new members.
- The police will have the right to make home visits to hunters and sports shooters who keep licensed firearms at home to check that these firearms are properly stored. Previously, this only applied to weapons collectors.
- Any violation of weapons legislation that has resulted in conditional or unconditional imprisonment must now be included in a person’s criminal record (this was previously not the case for minor offences).<sup>12</sup>

### 1.3 Reducing illicit firearms possession and gun violence through weapons amnesties and temporary stop-and-search zones

#### 1.3.1 Temporary weapons amnesties

Given the risk of the theft of unregistered weapons held by civilians in Denmark, temporary gun amnesties are considered good ways of reducing risks associated with such weapons. At regular intervals so-called gun amnesties are announced in terms of which illicit weapons can be handed over to the police without the person being charged with a violation of the Weapons and Explosives Act.

**Table 1: Weapons voluntarily handed in during the 2013 amnesty**

Type of weapon						
Region	Airguns	Firearms	Blank-firing weapons	Ammunition (rounds)	Explo-sives	Other
Nordjylland	351	682	90	Large amount	129	8
Østjylland	352	606	276	Large amount	46	45
Midt- & Vestjylland	464	812	501	Large amount	178	60
Sydøstjylland	397	720	446	54,287	122	78
Syd & Sønderjylland	702	1,137	490	Large amount	54	18
Fyn	432	1,088	562	113,940	467	107
Sydsjælland & Lolland-Falster	474	924	354	ca. 50,000	65	120
Midt- & Vestsjælland	256	756	311	7,240	11	9
Nordsjælland	330	745	236	Large amount	136	63
Københavns Vestegn	243	387	286	55,640	20	64
København	758	564	399	Large amount	37	7
Bornholm	85	216	84	ca. 3,500	70	3
<b>Total</b>	<b>4,844</b>	<b>8,637</b>	<b>4,035</b>	<b>Large amount</b>	<b>1,335</b>	<b>575</b>

Source: National Investigation Centre, Danish National Police

The latest gun amnesty for the handing in of civilian-held illegal small arms and explosive was announced in 2013. The nationwide initiative was very successful and resulted in the handing in of close to 20,000 weapons and significant quantities of explosives, while a large amount of ammunition was also collected. Interestingly, the number of voluntarily handed in firearms is about the same as the combined number of airguns and blank-firing weapons (see Table 1).<sup>13</sup>

The result was more than double that of the previous gun amnesty in Denmark in May-June 2009, when a total of 8,085 firearms were handed over to the police.<sup>14</sup> It also surpassed that of the most recent gun amnesty in Sweden in 2013, when 15,000 weapons were handed over in a country with twice the population of Denmark and considered to have a greater gun problem.<sup>15</sup>

### 1.3.2 Temporary stop-and-search zones

In situations when the police assess that there is an increased risk of violent confrontations between criminal gangs, the police have the right to stop any person within a limited geographical area during a limited time period in order to search, for example, for illegal weapons. They may also search vehicles within the defined zone.

The police established 19 such zones in 2016 and a total of 982 searches were made.<sup>16</sup> Many of the zones were located in the Copenhagen region, and were in part motivated by attempted murders and death threats involving the Loyal to Familia and Black Jackets gangs, as well as illegal weapons seized in Kokkedal and Hillerød.<sup>17</sup> In September 2016 the police declared a stop-and-search zone in Odense, in responses to the continuing conflict between the Hells Angels and Black Army, leading to at least 478 searches within the zone.<sup>18</sup>

According to the police, stop-and-search zones and other targeted actions against inter-gang violence and illegal weapons have had a significant positive impact.<sup>19</sup> In particular, temporary stop-and-search zones help to de-escalate an ongoing conflict between criminal groups, and have helped, for example, to calm down an area where shootings had occurred. This gives law enforcement and other actors the time to carry out their investigative and preventive activities. A temporary halt in shootings may disrupt what are known as 'near-repeat' shootings (see section 2.4, below) and help to reduce gun violence in public spaces.

## 1.4 International cooperation with regard to illicit firearms trafficking

### 1.4.1 EU harmonisation and cooperation

Denmark has stricter firearms legislation compared to the European Union (EU) Common Framework and most other EU member states. One such area is deactivation, which in Denmark is carried out by cutting the whole firearm in two parts along the length of the weapon. The common EU technical minimum criteria introduced for the proper deactivation of weapons were welcomed by the Danish authorities, but came too late. There is evidence that dealers are trying and sell off as many of their deactivated weapons as possible before the enforcement of the criteria becomes compulsory, according to Europol's Operation Portu and one Danish police representant.<sup>20</sup> Danish legislation is also stricter than most other EU member states in terms of convertible weapons: *"The problem is that you cannot force people in the rest of European countries to stick to the rules actually, that's the problem. Here [in Denmark] you're not allowed to have gas alarm weapons, even though it's only a gas alarm weapon. You can buy them in Germany but you can't take them to Denmark."*<sup>21</sup>

Since the early 1990s Denmark has had a special opt-out clause exempting the country from all participation in justice and home affairs (JHA) issues that apply at the supranational EU level. This became a growing problem after the treaties of Amsterdam and Lisbon, when much of the cooperation on JHA issues was changed from a qualified majority voting policy to a supranational policy. In May 2017 Europol became supranational as well, in large part due to the terrorist attacks in Brussels and Paris. Denmark is excluded from Europol unless the country agrees to withdraw its right to opt out.<sup>22</sup> On 3 December 2015 Denmark decided in a referendum to leave Europol. Just two days before the new Europol regulation entered into force on 1 May 2017, Europol and Denmark signed a cooperation agreement. This is a tailor-made agreement that seeks to minimise the negative impact of Denmark's withdrawal from Europol by allowing for a sufficient level of cooperation, including the exchange of operational data and the deployment of liaison officers, without full membership.<sup>23</sup> Denmark's special status has been taken into account, given its membership of the EU and the Schengen Agreement, and it was requested that Denmark should contribute financially to Europol. In turn, Denmark will have a national focal point at Europol headquarters and be able to receive or retrieve data on a 24/7 basis, as well as take part in meetings of the heads of the Europol national units and the Europol Management Board.<sup>24</sup> Denmark believes that making the fight against illicit firearms a key priority of the nine EMPACT priorities (i.e. Europol's priority crime areas) under the 2013-2017 EU Policy Cycle has been very valuable and successful. Danish police welcome the continued focus on illicit

firearms in the next policy cycle, which is due to start in 2018. Danish police have participated in Europol Policy Cycle EMPACT activities and are ready to continue their engagement, including in EMPACT operations targeting illicit firearms trafficking. The current policy cycle's goal under the 'illicit firearms trafficking' policy is to reduce the risk firearms pose to citizens, including combating the illicit trafficking in firearms.<sup>25</sup>

#### 1.4.2 Nordic cooperation

The Nordic countries cooperate to fight illicit weapons in a number of ways. The Nordic Police and Customs Cooperation was established in 1984 to combat drug-related crime. However, since 1996 this agreement has covered practically all types of crime. The Swedish 'arms mission' (*vapenuppdraget*) was communicated at an early stage to the Nordic Police and Customs Cooperation and its liaison officers around the world. The Swedish focus on firearms smuggling has been reflected in increased information about firearms in liaison officers' reports, as well as a focus on the annual threat report of the Nordic Police and Customs Cooperation, in which firearms smuggling constituted an area of deepening concern in 2014. During the year discussions have been conducted among Danish, Finnish and Norwegian colleagues, and Nordic cooperation is working very well. Norway has also had a liaison officer at the customs office in Malmö since 2012, which further facilitates cooperation in ongoing cases. Consequently, liaison officers are used continuously in cases involving illegal firearms.<sup>26</sup> Cooperation among the Nordic countries regularly includes staff visits. An analyst from Swedish customs regularly works at the Danish police's National Investigation Centre, for example.<sup>27</sup>

#### 1.5 Prevention of radicalisation

The Danish approach to preventing and countering violent extremism and radicalisation is based on systematised multi-agency collaboration among various social-services providers, the educational system, the health-care system, the police, and the intelligence and security services that has evolved over a decade. The sharing of information necessary for such collaboration is regulated by the Danish Administration of Justice Act, which delineates the use of shared information. The Danish approach draws on decades of experience with similar collaboration from other areas and benefits from already existing structures and initiatives developed for other purposes than specifically preventing extremism and radicalisation, such as preventing criminality.<sup>28</sup> The Danish approach rests on *"the understanding of terrorism as a crime comparable to other types of crime, and of extremism and*

*radicalization as risks especially to vulnerable young people, rather than as an existential threat to the state and the existing order or a political challenge.”<sup>29</sup>*

In 1997 a new law allowed knowledge sharing in collaborations among schools, social services and police. This is primarily a form of collaboration between municipal offices and the local police. The cooperation is anchored in so-called ‘info houses’ that store specialised knowledge of extremism and radicalisation, and which have been established in Denmark’s 12 police districts.<sup>30</sup> Denmark also has a system of collaboration among psychiatrists, social authorities and police; and among the Correctional Service, social authorities and police (KSP).<sup>31</sup> The KSP system was launched primarily to prevent individuals released from prison or other institutions from re-engaging in crime. The Copenhagen terrorist attacks indicated the importance of the KSP system.<sup>32</sup> In recent years there has been a significant strengthening of the authorities’ efforts with the introduction of a series of anti-terrorism packages, for example, a multi-year agreement between the police and prosecuting authority in the period 2016-2019.

### 1.5.1 Key actors

The terrorist threat from radicalised individuals and groups in Denmark is handled primarily by the Police Intelligence Service (PET), which, as Denmark’s national intelligence and security force, has the task of identifying, preventing, investigating and countering threats to freedom, democracy and security in the Danish community. PET has had a violent extremism prevention centre since 2007, which is responsible for launching and implementing initiatives and projects in cooperation with other relevant actors, with the aim of intervening as early as possible. The efforts are intelligence based and threat based, and involve the intelligence services’ knowledge and experience of previous terrorist cases, investigations, etc. PET’s early prevention work has three main tracks: outreach to and dialogue with civil society, developing the capacity and knowledge of professional subject groups, and exit programmes targeted at people who are already part of an extremist environment.<sup>33</sup> However, the efforts also involve other authorities, including the Defence Intelligence Service, the police, prosecutors’ offices and the Correctional Service. Denmark has also developed a series of policies aimed at preventing violent extremism.<sup>34</sup> The National Police Prevention Centre (NFC) establishes policy for, supports and coordinates the police’s crime prevention efforts, including inter-agency collaboration. The centre’s tasks are to promote cooperation with external actors, and to develop new methods and approaches to police crime prevention work. The NFC collects research-based knowledge and best practice, and is also responsible for civilian police duties, including activities in particularly vulnerable



residential areas. The national EXIT programmes contact point is also based in the NFC.<sup>35</sup>

A large number of authorities are involved in efforts to prevent extremism and radicalisation in Denmark. The Board of International Recruitment and Integration, PET, the NFC, and the Board of Education and Quality support efforts in the country's municipalities and police forces, as well as in day-care centres, elementary schools and the area of youth education. Much of the preventive work is aimed more generally at all crime prevention rather than violent extremism or illegal fire-arms trafficking specifically.<sup>36</sup>

### 1.5.2 EXIT programmes

Although the bulk of the work is directed at preventive measures, Denmark has also introduced a series of direct intervention responses targeting already radicalised individuals. A national emergency response team has been established, for example, to respond at short notice if a municipality or police district requests counselling in relation to emergency situations, for example, if individuals are planning to travel to conflict zones, and in emergency situations following (terrorist) arrests, arson attacks, demonstrations, etc. The response team can launch targeted emergency interventions in municipalities that experience acute challenges.<sup>37</sup>

Since 2011 the Danish government has implemented a national exit plan for gang members called 'A Way Out'. The national EXIT programme targets individuals linked to motorcycle club or gang groupings who need help to start afresh. The programme is available throughout Denmark at the municipal level and is rooted in local EXIT units consisting of coordinators from the municipality, the police and the Probation Service.<sup>38</sup> A new proposal in Gang Package 3 is that individuals actively taking part in EXIT programmes may hand in their weapons to the police without criminal charges being laid against them.<sup>39</sup> PET's exit initiatives are targeted at individuals who are radicalised and involved in violent militant Islamist groups and extremist political groups. National authorities provide counselling to local authorities on how to strengthen exit initiatives dealing with extremism, with a special focus on how to tackle young people's recruitment for and participation in armed conflicts abroad.<sup>40</sup>

Studies have shown significant differences between EXIT programmes offered by various Danish municipalities in different parts of the country. Some municipalities have gradually established teams of experienced professionals who possess various skills, including experienced street workers and staff with educational or

academic backgrounds. In other municipalities an exit candidate's only option is to obtain an exit coordinator or a mentor who is a policeman. In one case the exit coordinator was the same police officer who had been in charge of the investigation of the crime that the candidate had been accused of committing.<sup>41</sup>

## 2. Characteristics of the illicit firearms market in Denmark

The size of the illicit firearms market in Denmark is estimated to be rather modest, both in scale and organisation. There is no single illicit firearms market in Denmark that a range of stakeholders access; rather, there appears to be a web of interactions involving illegal weapons (see section 2.3, below). Yet, the PET Centre for Terror Analysis (CTA) considers firearms to be 'readily available' to extremists wanting to carry out an attack in Denmark and believes that 'simple attacks' could be carried out after little or no planning.<sup>42</sup> An interviewee with the Danish police's National Investigation Centre agrees that illegal weapons are available to those who wish to carry out such attacks, but accessing illegal weapons in Denmark involves high risks and is costly. The price for a used standard pistol starts at 15,000-20,000 Danish kroner (about €2,000-2,700), and increases if the buyer has specific requests or needs.<sup>43</sup>

The majority of illegal weapons are thought to be sourced through domestic theft inside Denmark, followed by criminal supplies of weapons mixed with other illegal goods, and imported weapons. No illicit manufacturing of firearms is reported in Denmark<sup>44</sup> beyond small-scale craft conversion of items such as gas pistols and blank-firing weapons, which is known to take place in many European countries.<sup>45</sup> Yet there are ongoing investigations and prosecution of groups or individuals engaged in transferring small arms and light weapons illegally, as well as of individuals engaged in unlawful brokering activities.<sup>46</sup> The following section lays out the main characteristics of the illegal firearms market in Denmark.

### 2.1 The size of the Danish illicit firearms market

A reliable estimate of the size of the illicit gun market in Denmark is currently not available. Data on seized firearms and reported cases of violations of the Weapons Act, however, suggest that this market is rather limited and that the general availability of firearms is decreasing, but criminal gangs have nonetheless managed to access illegal firearms through illegal imports or illegal domestic gun markets.

2.1.1 Weapons seizures

One type of evidence of the scale and types of firearms found on illegal markets in Denmark is provided by weapons seized by the police. The Danish authorities are relatively successful in seizing weapons and have seized a total of 3,001 firearms in the past four years (2013-2016), with a relatively stable range from one year to another (see Table 2). Weapon seizures in this case, refers to guns submitted to the National Forensic Centre for analysis and include all firearms that are suspected to original from criminal environments (including criminal possession). Many of the seized weapons are thought to be connected to criminal gangs, but proving a connection to criminal gangs is often very difficult.

Table 2: Number of firearms seized in Denmark, 2013-2016

Year	Number of firearms
2016	663
2015	777
2014	763
2013	798
Total	3,001

Source: Danish National Police; Denmark's national report to UNPOA 2014, p. 15

According to Project FIRE's findings, Northern Europe is the macro-region with the third highest number of cases of firearms seizures (20.88% of cases and 11.15% of firearms of the EU total). Within Northern Europe, the highest number of cases occurred in Sweden (33.62% of cases; 20.79% of firearms). In terms of firearms seized, however, Denmark accounted for the highest number (11.12% of cases; 33% of firearms), followed by the UK and Sweden.<sup>47</sup>

Many of the firearms seized in Denmark could not be owned in the country even with a licence, which means that they must have been obtained illegally (including converted weapons and automatic weapons). Pistols are the most commonly seized type of weapon, and are also the weapon of choice for criminals in Denmark (see below). Given the prevalence of pistols in shootings in Denmark and the fact the many seizures are thought to be associated with gang environments, it is not

surprising that pistols make up 43% of the seized weapons. Not surprisingly, military-grade firearms make up only a small percentage of the firearms seized in Denmark, while machine pistols account for 5% of the firearms seized in 2016. It suggests that some seized weapons that were not recorded as being seized in a gang environment may nonetheless be linked to criminals. Furthermore, other weapons types may have different effects on safety and security in terms of, for example, crime or suicides.

**Table 3: Firearms seized in 2016**

Type of firearm	Number of firearms	% of total number of firearms
Pistols	332	47.5%
Shotguns	117	16.7%
Rifles	84	12.0%
Sawn-off shotguns	58	8.3%
Machine pistols	33	4.7%
Saloon rifles	35	5.0%
Converted gas and alarm weapons	22	3.1%
Automatic weapons	13	1.9%
Machine guns	5	0.7%
<b>Total</b>	<b>699</b>	<b>100%</b>

Source: Database of the Danish National Forensics Centre

In 2014 less than one-fifth of the alarm and gas pistols that were seized in Denmark had been converted, but in the first months of 2017 more than one in three of them had been (see Table 4). In 2014 converted weapons were a relatively significant problem; however, in the past few years Denmark reported a decrease in converted alarm and gas pistols, and Danish authorities estimate that the problem is smaller in Denmark than in, for example, Sweden, and in some other EU countries, where converted weapons are a significant problem. The conversions that the Danish police come across are all simply done and did not require any special skills or equipment. The increase in converted gas weapons is thought to be motivated by the same reasons as in other EU countries: their availability, low price and relatively low risk of acquisition.<sup>48</sup>

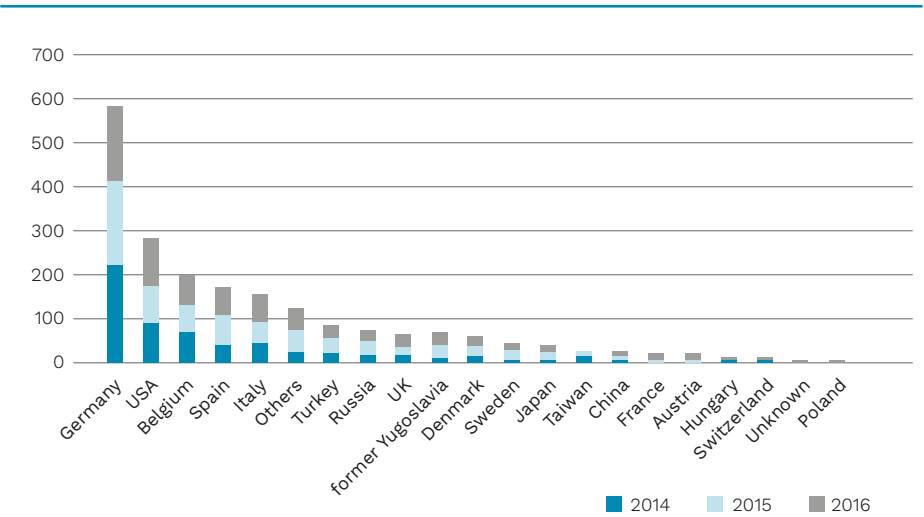
Table 4: Gas/alarm weapons seized in Denmark, 2014-2017

Year	2017	2016	2015	2014
Total	21	61	53	86
Converted	8	22	17	16

Source: National Investigation Centre, Danish National Police

The most common country of production of weapons seized in Denmark is Germany. Figure 1 shows the country of production of all the firearms seized in Denmark in the period 2013-2016. The statistics show very little variation from one year to another in the four years covered: Germany is, for example, always the most common country of production, while the United States is always the second most common, and Belgium, Italy and Spain alternate among third, fourth and fifth places.

Figure 1: Countries where weapons seized by Danish authorities were produced, 2014-2016



Source: National Investigation Centre, Danish National Police

### 2.1.2 Violations of the Weapons Act

Firearms-related violations constitute about 10% of the annual reported violations of the Weapons Act. Like the number of seized firearms, the annual numbers of reported cases of firearms violations of the Weapons Act are quite stable. The largest

drop was a significant decrease in the number of illegal firearms from 2009 to 2010, while the increase since has remained relatively stable. The drop from 2009 to 2010 is considered to be a result of the successful implementation of a new criminal code making firearms crimes costlier (see above). Fluctuations in other years are typically caused by police districts' special efforts in this area. Targeted operations carried out by, for example, the Jutland police and Fyn police, resulted in an increase in seizures because of, for instance, seizures resulting from the failure to renew firearms licences. A recent national victims survey did not indicate that there has been an increase in the use of knives and firearms associated with episodes of violence in recent years.<sup>49</sup> The result may indicate a stable level of such violence, as well as being indicative of the relative isolation of gun and knife violence in criminal gang environments that generally do not affect the average citizen.

**Table 5: Reported cases of Weapons Act violations, 2009-2015**

Year	Number of firearms-related violations	Total number of violations
2009	1,095	7,306
2010	699	5,998
2011	725	6,619
2012	731	6,517
2013	596	7,297
2014	671	7,111
2015	745	7,513

Source: Danish National Police, Strategic Analysis 2016, p. 25

While the number of firearms violations has remained quite stable, the total number of reported violations of the Weapons Act has increased by over 20% in the past decade (Table 5).

The number of offences perpetrated with unlawful knives increased by 11% between 2009 and 2014, while the number of cases of illegal firearms in the same period fell by almost 39%. Hence, the number of firearms-related cases that the police have investigated has also been falling. In the period 2010-2014 this number more than halved from 1,371 to 619.<sup>50</sup> A possible cause was the stricter legislation on the unlawful possession of firearms that entered into force in 2009, allegedly causing criminal gangs (including motorcycle club gangs) to partly shift from using firearms to using weapons such as knives.<sup>51</sup> This would suggest that stricter gun legislation specifically targeting gangs may have a deterrent effect. Since 1 July 2014 the penalty

for the possession of firearms has been made more stringent and it has become easier to apply the so-called gang clause that can impose double sentences for serious biker- and gang-related crime. In addition, imprisoned members are excluded from parole when their group has engaged in a violent conflict with another group.<sup>52</sup> However, the implementation of the 'gang clause' placed specific pressure on investigators to prove the individual perpetrator had a gang connection, which is very difficult in practice. If gang members involved in firearms offences and violence are not convicted under the gang clause, the deterrent effect of the stricter legislation is likely to be undermined, which may explain the return of gun violence a few years after the entry into force of the stricter legislation.

## 2.2 Sources of firearms on the illicit market

Firearms have mainly ended up on the illicit gun market because of domestic diversion from legal gun owners and shooting clubs and illegal imports of firearms. In addition, some firearms also reach the illicit gun market through the illegal sale of unregistered firearms by individual gun enthusiasts without criminal intentions or through internet sales.

### 2.2.1 Domestic diversion

The theft of firearms from private citizens often involves licensed firearms. These thefts are then reported to the police. Between 2012 and 2016 more than 1,000 firearms were reported stolen from private homes in Denmark.<sup>53</sup> On other occasions the weapons are old and not in use, and are stored somewhere on the property such as in the loft or attic (i.e. not in proper locked weapons-storage facilities). Thefts from such sources are often not reported to the police, but the police estimate that the number of unrecorded cases is large, and that these weapons constitute a considerable pool of illegal weapons in Denmark. One indicator is that the unlicensed and unregistered weapons stored in people's homes are often very old, typically from the Second World War or earlier. Unregistered old pistols of this type show up rather frequently in shooting incidents or in other criminal investigations, but without being previously reported to the police.

One specific aspect of firearms acquisition through robbery and theft is theft from sports shooting clubs. Two-thirds of the current 75,000 members of Danish sports shooting clubs are not allowed to take firearms home. However, the 'freedom of association' in Danish law allows associations to include any member in their activities, without prior background checks. This means that criminals, mentally ill and

underage people can join sports shooting clubs in Denmark, where they learn, for example, weapons-handling and shooting skills, and gain information about the club's security arrangements (e.g. the location of storage rooms and surveillance cameras) that could subsequently be used to steal the club's weapons. Recently, a Danish police officer was shot and killed by a mentally disturbed attacker with a criminal record who used a weapon that he had stolen from the sports shooting club to which he belonged. The incident, along with other known criminal involvement in some shooting clubs, has resulted in a change in legislation (see above).<sup>54</sup>

### 2.2.2 The illegal importation of firearms

Although the scale of weapons smuggling is difficult for authorities to estimate, firearms trafficking into Denmark from other European countries is believed to be more limited compared to some other countries, such as neighbouring Sweden. The illegal imports are of two kinds: firstly, weapons are legally bought without a licence in another EU country and then brought illegally into Denmark. This is possible because many weapons that require a licence in Denmark can be bought licence-free in other EU countries, including, for example, alarm weapons, gas pistols and deactivated weapons. Secondly, weapons are bought illegally and smuggled into Denmark, sometimes via a series of other European countries. A 2014 study found that the main method of trafficking illicit firearms into Denmark was in heavy goods vehicles originating primarily from the western Balkans.<sup>55</sup> Some weapons smuggled into Denmark are destined for the Swedish criminal market (see below).

Profit-motivated criminals who also engage in, for instance, the smuggling of cigarettes, drugs or people are thought to be responsible for firearms smuggling. The police believe that criminals typically smuggle firearms to sell rather than for their own use. Contrary to the findings in the 2014 study, what the authorities can confirm is that weapons of a specific origin, such as those once produced in the western Balkans, are relatively seldom used in shootings or seized in investigations in Denmark compared to in some other EU countries. This is most notable in comparison to Sweden, where most weapons used in shootings in public spaces are from the western Balkans. One of the explanations may be the use in firearms acquisitions of closer personal connections in Sweden with the western Balkans, due to the much larger diaspora in Sweden compared to Denmark.<sup>56</sup> This does not mean that there are no cases in Denmark of firearms smuggling from the former Yugoslavia. In 2013, for example, a man was convicted of smuggling four AK-47s and two Zastava pistols into Denmark from Croatia.<sup>57</sup> The 2015 strategic analysis report of the Danish National Police stated that terrorist access to firearms in Denmark may increase in the future through the smuggling of weapons and other military materiel from, for example, Russia.<sup>58</sup>



### 2.2.3 Illegal internet sales

Danish and other national police forces actively monitor the internet in an attempt to follow developments and illegal trade deals. The Danish police's investigations have shown that the trade in illegal firearms on the dark web is primarily conducted by gun enthusiasts who have no criminal intent. The assumption is that, although the prices of weapons on the dark web tend to be lower than on the street, criminals are risk averse and avoid using the dark web to access firearms.<sup>59</sup> Less experienced criminals may be less risk averse and may use social media to access guns. In 2015 a report about Danish youth trading weapons on a Facebook group (one that had 1,000 members) caused a stir, although it is difficult to assess whether any firearms were actually traded in this way.<sup>60</sup>

### 2.2.4 Illegal sales by gun enthusiasts

Individual gun enthusiasts, such as collectors, have been known to organise informal garage sales of unregistered weapons and to sell weapons to other weapon enthusiasts without criminal intent.<sup>61</sup> In December 2012 Danish police confiscated a total of 158 illegal firearms, hand grenades, mortar shells and fuses, as well as large amounts of cartridges in several searches of homes, leading to the arrest of eight men aged between 19 and 71. In the first search the police found ten illegal firearms, including two machine guns and three pistols. The investigation found evidence that some weapons collectors held many unregistered and illegal weapons, and that these collectors to some extent traded illegal weapons among themselves and with other interested parties.<sup>62</sup> Although the traders typically have no violent or criminal intention, it is a completely illegal arrangement that may also attract individuals who intend to use the unregistered weapons for criminal or even terrorist purposes.

## 2.3 Dynamics of the illicit gun market

### 2.3.1 Instrumental market with a wide variety of available firearms driven by criminal demand

The illegal gun market in Denmark is facilitated and largely driven by the demand of criminal gangs. Criminals in Denmark sell and resell firearms within and between gangs. The illegal gun market in criminal environments appears to be pragmatic rather than ideological. Individuals from an motorcycle club gang known to have right-wing and xenophobic tendencies have, for example, been known to trade with

an ethnic street gang.<sup>63</sup> Thanks to police firearms forensics units, investigations have shown that the same weapons are used in multiple shootings and various crimes. On one occasion the same weapon was used in five different shootings. The police therefore infer that the size of the criminal gang market in firearms is limited in Denmark.<sup>64</sup> This dynamic is different from the situation in Sweden, for example, where a weapon is rarely used in more than one shooting.<sup>65</sup> Criminal gangs in Denmark are typically so-called 'multi-criminals' and do not specialise in firearms only. Most commonly, firearms are used as protection or for the control of, for example, drug markets. Theft, robbery and involvement in the illegal sales of gun enthusiasts are ways in which criminals gain access to firearms in Denmark, as well as through the conversion and importation of weapons.<sup>66</sup> The police warn that the improved organisation and increased internationalisation of criminal groups may increase criminals' and terrorists' access to weapons in Denmark.<sup>67</sup>

### Box 2: Weapons and accessories seized in January 2012

- German semi-automatic saloon rifle, .22 calibre, GSG 5
- US revolver, .44 Magnum calibre, Colt Anaconda
- US revolver, .357 Magnum calibre, Smith & Wesson 28-2 Highway Patrolman
- Sharp-loaded US self-loading pistol, .45 ACP calibre, Colt MK IV Government
- Turkish converted gas and signal pistol, 6.35 mm calibre
- Italian semi-automatic shotgun, 12/70 mm calibre, FABARM
- US 'slide-action' (pump-action) shotgun, 20/76 mm calibre, Mossberg 500C
- Sharp-loaded Turkish converted gas and signal pistol, 6.35 mm calibre
- Turkish converted gas and signal pistol, 6.35 mm calibre
- US 'slide-action' (pump-action) shotgun, 12/70 mm calibre, Winchester 1200
- US rifle, 30-30 calibre, Winchester 94
- German/US semi-automatic saloon rifle, .22LR calibre, Colt M4 Carbine
- Sharp-loaded US revolver, .44 Magnum calibre, Smith & Wesson 25-5
- Sharp-loaded US revolver, .357 Magnum calibre, Smith & Wesson 627-5
- Sharp-loaded Brazilian even-let pistol, 9 Parabellum calibre, Taurus PT92AF
- Sharp-loaded German self-loading pistol, .22LR calibre, Walther P22, with attached silencer
- German self-loading pistol, 9 mm Parabellum calibre, Walther P99, number FAG5050 with associated magazine containing 15 cartridges
- German self-loading pistol, 9 mm Parabellum calibre, SIG Sauer P226 S

- US self-loading pistol, .45 ACP calibre, Colt COMBAT Commander
- British sub-machine gun, 9 mm Parabellum calibre, Sten MK II
- US self-loading pistol, 9 mm Parabellum calibre, Springfield 1911A1
- German self-loading pistol, 7.65 calibre, Mauser HSC with magazine containing eight cartridges
- US revolver, .357 Magnum calibre, Smith & Wesson 19-3
- Israeli self-loading machine pistol, 9 mm Parabellum calibre, Uzi
- Italian percussion revolver, .44 calibre, NAVY 1851
- Belgian self-loading pistol, 9 mm Parabellum, Browning 1935 Hi Power with magazine containing two cartridges
- US self-loading pistol, .22LR calibre, Ciener Platinum Cup
- While-charging pistol, .45 ACP calibre, unknown brand, model 1911A1
- US self-loading pistol, .45 ACP calibre, Enterprise Arms, with three magazines each containing 11 cartridges
- Philippine self-loading gun, .45 ACP calibre, ARMSCOR
- Chinese self-loading gun .45 ACP calibre, Norinco 1911A1, with magazine containing one cartridge
- US bolt, barrel and magazine, .22LR calibre, Ciener 1911A1
- Philippine self-loading pistol, .40 calibre Smith & Wesson, with associated magazine containing two cartridges
- Gun, 7.65 mm calibre, unknown make and producer, with six cartridges
- US revolver, .22 calibre Hornet, Smith & Wesson 686-3 with 12 cartridges
- US revolver, .357 Magnum calibre, Ruger GP100 with six cartridges
- US self-loading pistol, .22LR calibre, Ruger MK II with magazine containing eight cartridges and attached silencer
- Danish military pistol, 9 mm Parabellum calibre, SIG, P-210 Neuhausen
- German converted gas and signal pistol, .22 Hornet calibre, Rohm Noris Twinny
- US self-loading pistol, .45 ACP calibre, Kimber Gold Match II
- .410 calibre gun, unknown tag and trademark
- German semi-automatic saloon rifle, .22LR calibre, GSG 5
- German self-loading pistol, 7.65 mm calibre, Walther PPK
- Electronic laser sight, Walther; one silencer; and a Hawke laser

Source: SKAT, High Court, Doc. No. SKM2013.667.ØLR, 24 January 2013

One court case from 2012 is an illustrative example of the dynamics of the illegal firearms market and the different types of firearms that are available on the illicit gun market in Denmark. In January 2012 two men were convicted of smuggling 1.1 tons of cannabis, as well as for robbery, receiving stolen goods, providing

fraudulent information and tax fraud. According to PET, at least one of the men had close contacts with the biker community, including leading members of the G5 and G4 motorcycle club gangs. Large parts of the sentences that the smugglers received<sup>1</sup> were due to the possession of an illegal weapons cache consisting of a wide variety of 44 firearms (see Box 2) and large amounts of ammunition of various calibres. Five of the seized firearms were registered in the police firearms register as having been stolen in Denmark. The serial numbers had been removed on 14 of the other weapons. The remaining firearms were not registered in the firearms register and could not have been legally acquired, owned or transferred in Denmark.<sup>68</sup>

### 2.3.2 Weapons transiting through Denmark

Malmö and the Öresund bridge (between Copenhagen and Malmö) are thought to be the most common route for illicit weapons that reach Sweden by land. The illegal import of firearms to Malmö is extensive. As one example, three-quarters of firearms seized in Sweden in the first half of 2012 were seized at the Öresund bridge and the docks in Malmö.<sup>69</sup> Because of Malmö's location and local demand, the city is thought to be used as a depot for illegal firearms. Most of the illegal weapons circulating in Malmö's criminal environments were produced in the Czech Republic or the former Yugoslavia.<sup>70</sup> The importance of Öresund bridge and Malmö for the illicit gun market in Sweden suggests that many of the guns trafficked to Sweden have transited through Denmark; these guns include military-grade assault rifles. In February 2017, for example, a man previously convicted of murder was stopped in his car at the Öresund bridge and found to be carrying two AK-47 assault rifles with him.<sup>71</sup>

The Öresund bridge is not only used for firearms trafficking to Sweden, but also for bringing firearms from Sweden to Denmark.<sup>72</sup> In February 2017, for example, Swedish customs and police arrested a couple for importing and converting a large number of gas pistols that authorities think were then sold to criminals in Sweden and Denmark, one of which was used in a murder in Gothenburg, Sweden. The couple had received more than 90 gas weapons that the man had converted to fire live ammunition. The weapons had been imported by making use of the laxer gun

<sup>1</sup> One of the men was sentenced to 12 years in prison and a fine of 1.195 million Danish kroner (approximately €160,000), and some of his belongings were confiscated. The other man was sentenced to seven years in prison and was expelled from Denmark for life.

laws in the countries from where they originated.<sup>1</sup> The authorities also found several thousands of cartridges of various calibres, silencers, magazines and several weapons barrels.<sup>73 74</sup>

## 2.4 Criminal gangs and firearms violence in Denmark

The Danish intelligence picture of gun violence is very closely linked to criminal gangs, although these vary in terms of their organisation. It is assumed that gun violence in public places that is not linked to criminal groups is a rare occurrence in Denmark. Historically, the criminal gang scene in Denmark was almost exclusively made up by two rival motorcycle club gangs, Hells Angels and Bandidos. The Hells Angels motorcycle club has seven divisions in Denmark, as well as a support group called AK81.<sup>1175</sup> In the past decade Hells Angels have represented themselves as the protectors of Denmark against young men from ethnic minorities, and have engaged in a conscious process of demonising their rivals.<sup>76</sup> About two-thirds of individuals affiliated with gangs in Denmark are linked to motorcycle club gangs, primarily Hells Angels and Bandidos. Only about 100 people are connected to other motorcycle club gangs.<sup>77</sup>

Contrary to the motorcycle club gangs, criminal gangs are smaller and more numerous. In recent years the gang scene has diversified and become more complex, including by the establishment of international groups in Copenhagen from, for example, the Netherlands and Germany. The police have detected conflicts among the various gangs related to crime markets, territory, and personal conflicts and cases of revenge.<sup>78</sup> The groups are very dynamic, with old ones disappearing and new ones forming. In 2016 the largest gangs were Loyal to Familia, Black Army, Brothas Souljaz, Black Cobra, UTF and Bloodz.<sup>79</sup>

In addition to the organised criminal groups, a number of street gangs have further diversified the gang environment in Denmark. In 1998, as a result of collaboration among police, schools and social services, 15 to 20 youth street gangs were identified in Copenhagen alone, each with five to 20 members between the ages of 15 and

I In both Sweden and Denmark alarm weapons require a licence. While associations and clubs that are affiliated with the Swedish Sports Confederation or the Swedish Kennel Club do not need a licence for alarm weapons, a private individual requires a licence to own such a weapon, which is applied for under so-called odd purposes. The prerequisites for obtaining a licence for an alarm weapon is that you need the weapon for dog training, sports competitions, agriculture or to scare pests. Authorisation is very restrictive (Swedish police, Weapon Laws and Regulations, <<https://polisen.se/Lagar-och-regler/Vapen/Paintballskytte/>>).

II The letters A and K stand for *Altid Klar* (Always Ready), and the numbers 8 and 1 refer to the letters H and A's position in the alphabet.

20.<sup>80</sup> These youth gangs are geographically based (from areas such as Tingbjerg, Blågårds Plads, Kokkedal, Værebros, Mjølnerparken, etc.). Some of them have formed an official grouping and display their gang identity by wearing black hoodies marked with local geographical names.<sup>81</sup>

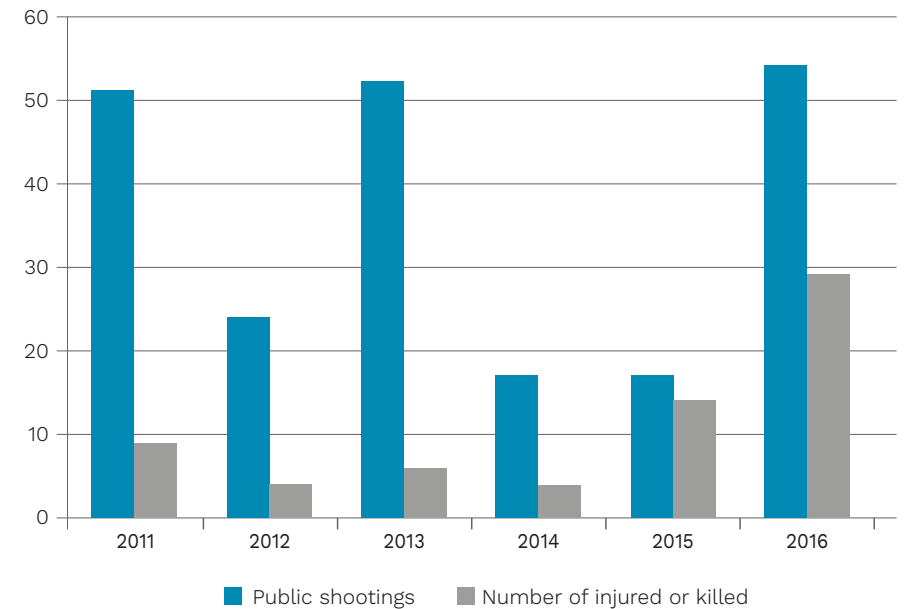
In 2016 approximately 1,400 people were affiliated to criminal or motorcycle club gangs in Denmark, which is the lowest figure recorded since 2010.<sup>82</sup> A recent study showed that 3,332 individuals had been affiliated to gangs and motorcycle club clubs between 2009 and 2016, but only 324 individuals had been associated with the gang environment for the entire period. Hence, criminal and motorcycle club gang membership is very fluid in Denmark, and it is not uncommon that members leave or even shift from one gang affiliation to another. Interestingly, to some extent there has been some integration, or at least individual overlaps, since 2008 between street gangs and more organised criminal motorcycle club gangs. One example given in the literature was a drive-by shooting of a male member of a rival street gang, after which the young shooter was offered a position linked to Hells Angels: 'For HA, a prospect who had committed such as brutal drive by killing was attractive, because it symbolized power and [a] dangerous reputation in relation to other street communities.'<sup>83</sup>

According to official estimates, eight violent conflicts between gangs were ongoing in January 2017.<sup>84</sup> Criminal gangs are responsible for the overwhelming majority of public shootings in Denmark. In 2016 all 54 recorded public shootings were connected to biker and gang conflicts. Almost all shootings are carried out with pistols, which are more easily available, and are easy to carry and conceal.<sup>85</sup> The trends in shootings in criminal environments in Denmark show clear evidence of so-called near-repeat shootings. This involves crimes that are clustered in space and time, with a crime event often shortly followed by another one nearby. Between mid-September and mid-October 2016 alone Denmark experienced 24 shootings, 20 of which took place in Copenhagen, Næstved and Odense. Many of the exceptionally numerous shootings during 2016 included young men who were believed to be linked to the motorcycle club gang community. However, because several of the shootings occurred in public spaces, there were also non-gang-related casualties (i.e. people who happened to be in the wrong place at the wrong time).<sup>86</sup>

Although the number of shootings in public spaces fluctuates from year to year, a significant increase in the number of 'successful' shootings can be observed: while in 2011 someone was hit in only six of the 50 shootings (an 11.5% accuracy rate), the same number of shootings resulted in injuries in 29 shootings in 2016 (a 54% accuracy rate). Police intelligence has also noted an improvement in individual gang members' handling of firearms and that gang members tend to assume a 'correct'

position before shooting. The police therefore conclude that criminals have become more skilful shooters in the past few years. The police have further concluded that some criminals, including members of motorcycle club gangs, have learnt how to shoot and handle firearms in Danish shooting clubs.<sup>87</sup>

Figure 2: Public shootings and number of injured or killed, 2011-2016



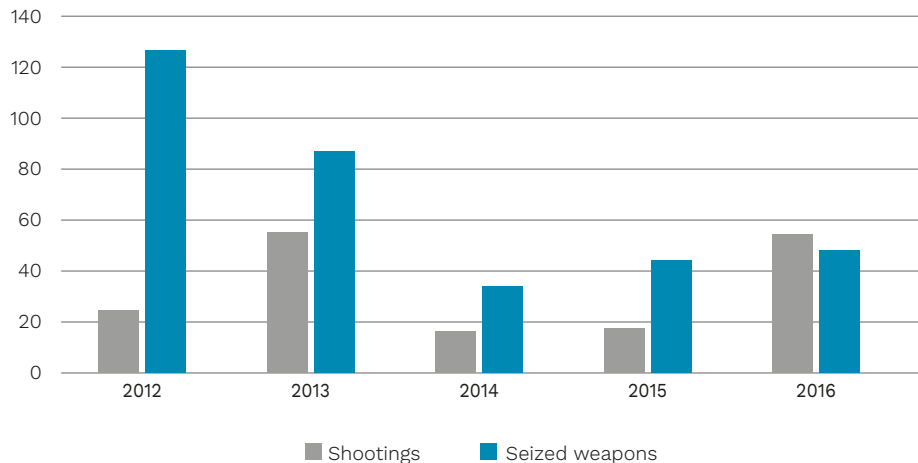
Source: National Investigation Centre, Danish National Police

Although almost all shootings can be linked to criminal groups and many firearms seizures are thought to be linked to gangs, only about 6% of the seized weapons can actually be definitely linked to gangs. In 2014, 584 firearms were submitted for investigation by the police, of which 33 weapons were confirmed to be linked to motorcycle club and gang environments (5.6%).<sup>88</sup> In 2015, 691 guns were submitted for investigation by the police, 43 of which were confirmed to be linked to motorcycle club and gang environments (6.2%).<sup>89</sup>

However, the number of firearms seized in gang environments has not followed the same pattern in recent years. In 2016 police found 48 firearms that the National Police can confirm are related to biker and gang environments. If one compares the

number of shooting incidents with the number of weapons seized, police find significantly fewer firearms per shooting incident than before. In 2016 police therefore identified 0.88 firearms per public shooting incident. In 2010, when Denmark experienced 40 shootings in public places and the police confiscated 224 firearms linked to the biker and gang environments, the ratio was 5.6 firearms per firearms shooting incident.<sup>90</sup> While the decline in firearms after 2009 was thought to at least partly have been the result of a changing preference for knives, the police believe that the gangs have recently become more skilful in hiding their firearms: for example, the weapons are often not kept in private residences, but are stored in other locations and 'pooled' for use from there.<sup>91</sup>

**Figure 3: Shootings and seized firearms linked to criminal gangs, 2012-2016**



Source: Danish National Police, annual reports on gangs and motorcycle clubs, 2012-2015, <<https://www.politi.dk/>>



### 3. Terrorist access to firearms on the illicit market in Denmark

The Global Terrorism Database (GTD) lists 40 terrorist attacks in Denmark between 1978 and 2015. Only a small number of these attacks resulted in injuries (13 attacks) or fatalities (four attacks). Firearms were rarely used in attacks in this period, and homemade explosive devices such as Molotov cocktails were used much more frequently. Yet the six attacks in which firearms were used resulted in injury or death

Table 6: Terrorist attacks using firearms in Denmark

GTD ID	Date	Country	City	Perpetrator group	Fatalities	Injured	Target type
Bat mitzvah in synagogue	14/02/2015	Denmark	Copenhagen	Unaffiliated individual(s)	1	2	Religious figures/ institutions, police
Free speech debate at cultural centre	14/02/2015	Denmark	Copenhagen	Unaffiliated individual(s)	1	3	Private citizens & property
Attempted murder of Lars Hedegaard	05/02/2013	Denmark	Copenhagen	Unknown	0	0	Private citizens & property
Anti-Israeli attack <sup>92</sup>	31/12/2008	Denmark	Odense	Unknown	0	2	Private citizens & property
Ferry hijacking	11/05/1995	Denmark	Anholt	Unaffiliated individual	0	0	Maritime
Attempted murder of Cavit Demir	03/04/1981	Denmark	Copenhagen	Justice Commandos for the Armenian Genocide; Armenian Secret Army for the Liberation of Armenia	0	1	Government (diplomatic)

Source: Global Terrorism Database, 'Firearms incidents in Denmark';<sup>93</sup> Lysholt and Nørgaard (2015)<sup>94</sup>

on four occasions, in total killing two people and injuring five others (see Table 6). This finding suggests that when firearms are used in acts of terrorism, these attacks have deadlier outcomes.

In the last decade four terrorist attacks in which firearms were used can be identified. On 3 April 1981 an Armenian gunman shot a Turkish Embassy labour attaché, Cavit Demir, in his apartment building in Copenhagen. Demir was seriously wounded, but survived after a series of operations. The Armenian Secret Army for the Liberation of Armenia and Justice Commandos of the Armenian Genocide claimed responsibility for the attack.<sup>95</sup> On 11 May 1995 former staff member Henry Stærke Hansen hijacked the ferry that he was fired from a year previously. He used a Winchester rifle to take the captain hostage while demanding to have his case dealt with by the municipality, which he believed had treated him unfairly in connection with the layoff. Stærke Hansen surrendered himself to the police and was later convicted under the Terrorist Act.<sup>96</sup> On 31 December 2008 a perpetrator of Danish-Palestinian descent opened fire with a 9 mm pistol at three Israelis in a shopping mall in Odense and injured two of them. The perpetrator was convicted of attempted murder and sentenced to ten years in prison. No information is publicly available about how the shooter acquired his pistol.<sup>97</sup>

On 5 February 2013 an unknown gunman posing as a postman attempted to shoot Danish historian and journalist Lars Hedegaard in his home in Copenhagen. Hedegaard was the chairman of the Danish Free Press Society and the recipient of the 2012 ICLA Defender of Freedom Award. Hedegaard had been critical of Islam in the past, including by alleging that it limits free speech. The attack failed and the perpetrator was able to escape. No group claimed responsibility for the incident, but it was considered an act of terrorism.<sup>98</sup> According to the US State Department, Basil Hassan was accused of the attempted murder of Hedegaard and arrested in Turkey in 2014, but released as part of an alleged exchange for 49 hostages held by the so-called Islamic State of Iraq and Syria (ISIS).<sup>99</sup>

The most deadly terror attack in recent history in Denmark took place in February 2015 when a so-called 'lone wolf' killed two people and injured five others in a double attack on a cultural centre and a synagogue in Copenhagen. The paper will discuss the firearms the perpetrator used in this double attack in greater detail in the following section.

Besides these (attempted) terror attacks, the Danish security forces have foiled a number of other terrorist plots, and firearms have been seized in house searches connected to some of these foiled plots. In 2010 security services in Denmark and Sweden uncovered a terrorist plot against the Danish newspaper *Jyllands-Posten*,

which published the controversial cartoons of the Prophet Muhammad in 2005. In several raids the police detained five men whom they described as militant Islamists. Automatic firearms, ammunition and silencers were seized.<sup>100</sup> In April 2016 the Danish police arrested four men in Copenhagen suspected of having joined ISIS with the intention of committing acts of terror. The police searched four properties, and at one address claimed they had found weapons and ammunition. The address had links to one of Copenhagen's criminal gangs.<sup>101</sup>

According to data submitted to Eurojust, Denmark concluded court cases against 22 individuals for terrorist offences in the period 2013-2015.<sup>102</sup> In the past few years several Danes have been convicted of openly supporting ISIS, and of travelling to fight for the group in Iraq and Syria.<sup>103</sup> The PET Centre for Terror Analysis (CTA) estimates that at least 135 people have left Denmark to go to Syria or Iraq since the summer of 2012. Barely a quarter are still in the conflict zone and a corresponding proportion have possibly been killed.<sup>104</sup> The CTA estimated further that half of those who had left the country had been involved in crime before their departure.<sup>105</sup> The number of Danish citizens travelling to join ISIS and the number of returnees has dropped in the past year. Despite the law banning travel for terrorist purposes and the strengthening of Criminal Code provisions restricting connections to enemy armed forces, it is likely that people will still travel abroad to and return home from conflict zones in the coming years.<sup>106</sup> As of April 2016, approximately 62 such individuals had returned to Denmark.<sup>107</sup> Although PET assesses that a small-scale terrorist attack in Denmark is more likely to be carried out by someone other than returned foreign fighters, the latter are considered more likely to be involved in a planned attack. According to PET, members of this group therefore constitute the most dangerous terrorist threat to Denmark, while it acknowledges broad variation within the group. Risk assessments are carried out at the individual level to determine what kinds of responses are needed.<sup>108</sup>

### **3.1 The terrorist attacks in Copenhagen on 14-15 February 2015**

On 14 February 2015 at about 3.30 p.m. a man opened fire on a cultural centre in central Copenhagen called the Krudttønden Café during a debate being held there on 'Art, Blasphemy and Freedom of Expression'. The debate featured the controversial Swedish artist and activist Lars Vilks, who had depicted the Prophet Muhammad as a dog in 2007, and who had been the target of death threats ever since. Finn Nørgaard, a film director attending the event, was shot dead at close range after going outside at the time the attacker struck. Three police officers were wounded in the shooting, in which the café was sprayed with 55 bullets.<sup>109</sup> Early

next morning, at about 1 a.m., shots were fired at the synagogue in Krystalgade in central Copenhagen during a bat mitzvah celebration, killing a security guard standing outside. Two police officers were also shot, but their injuries were not life threatening.<sup>110</sup> A couple of hours later the police shot dead a suspect who had arrived at an address they had under surveillance. Officers said that the police challenged him near a railway station in the neighbourhood of Nørrebro, upon which he opened fire and was then shot.<sup>111</sup> The dead suspect carried with him the same weapons that were used in the attacks. The attacker, later identified as Omar Abdel Hamid el-Hussein, was thought to have carried out both terrorist attacks in Copenhagen. The attacks are considered 'lone wolf' incidents and no group claimed responsibility for them.<sup>112</sup>

The perpetrator of the double attack was a 22-year old Danish-born Palestinian with a criminal history who was well known to the Danish intelligence services. As a teenager, he became a member of the Brothas gang in Mjølnerparken and was sentenced twice for violence, possession of an illegal weapon, and an indiscriminate knife attack on a man on a suburban train in Copenhagen. He was arrested in January 2014 and sentenced to two years in prison. El-Hussein was believed to have been radicalised in prison. The prison authorities reacted to changes in his behaviour and found that el-Hussein had expressed sympathy for ISIS, which had led prison staff to warn the Prisons and Probation Service and the latter to in turn warn the Danish Security and Intelligence Service.<sup>113</sup> El-Hussein was released from prison on 30 January 2015, just two weeks before the attack.<sup>114</sup>

El-Hussein used a 5.56 mm M95 rifle in the attack on the Krudttønden Café. The M95 is a magazine-fed, air-cooled, automatic weapon that can fire 700-900 shots per minute, and is primarily used at ranges of up to 500 metres. Importantly, the M95 is the Danish defence forces' standard weapon.<sup>115</sup> According to the Danish police, el-Hussein used the semi-automatic function of the weapon, which is easier to use and more precise. Despite the wide variety of firearms that can be acquired on the illegal gun market in Denmark, an M95 is rarely found there. The police investigation found that el-Hussein had stolen the weapon in an armed robbery of a house belonging to a member of the Danish Home Guard, a volunteer military organisation that supports the military and police. Its members take a series of obligatory courses, including target shooting and weapons training.<sup>116</sup> In October 2014 the Danish Home Guard had 46,651 members,<sup>117</sup> 4,328 of whom each had a weapon stored at home. The investigation found that the robbery had been planned and the house was targeted specifically to steal the weapon stored there.<sup>118</sup> After the terrorist attack these Home Guard weapons were temporary recalled to a central storage facility. After a multi-million euro procurement, the Home Guard reintroduced the system of members' taking their weapons home – with the significant

difference that each home-stored weapon now requires a chamber lock. The chamber can only be unlocked with a key or code, and attempts to remove the lock without the key will render the weapon inoperable. The chamber lock system is used by the Home Guard in both Norway and Sweden.<sup>119</sup>

At the Krystalgade Synagogue el-Hussein fired nine shots from two pistols. Both weapons were old, probably stolen, pistols. The pistols were found on el-Hussein when the police shot him. One was a Polish-made pistol produced sometime before the Second World War. The second was a German-made Walther 7.65 mm pistol that had also been produced in the first half of the 20th century. Given the dynamics of the illegal gun market in Denmark, together with the confirmed theft of the M95, it is very likely that the two pistols were unregistered weapons that were stolen from a private home or storage system and were never reported as stolen to the police.<sup>120</sup>

### **3.2 Firearms possession in left-wing and right-wing extremist networks**

Denmark has a history of violent left-wing extremism, but the movement has largely become non-violent. The extreme left enjoys a relatively large membership, especially in Copenhagen. Left-wing squatters in Copenhagen engaged in 155 acts of vandalism and sabotage between 1981 and 1994. These actions included the systematic demolition of branches of multinational companies and the offices of perceived imperialist regimes like the United States, Israel and apartheid South Africa, as well as a number of arson attacks and only occasionally the use of primitive bombs and firearms. Left-wing terrorist attacks after 1994 have not been confirmed.<sup>121</sup>

Between 1990 and 2005 there were 19 confirmed cases of right-wing extremist violence against people in Denmark, injuring nine people and killing one person. The attacks were carried out by, for example, Frit Danmark (Free Denmark), Blood & Honour Denmark, White Pride and Dansk Front (Danish Front). The attackers used knives, beating/kicking, firebombs, letter bombs, Molotov cocktails, glass, axes, brass knuckle-dusters, other melee weapons, maglights, crowbars and tear gas. Only one attack involved a firearm – a saloon rifle. In this attack three members of Blood & Honour Denmark harassed, threatened and attacked three Bosnian refugees in the town of Rudkøping, using one rifle and 13 knives.<sup>122</sup> Another study showed that Danish radical right-wing groups engaged in 188 acts of violence between 1982 and 1999. Refugees and immigrants were the principal targets of the extreme right's violence, and were targets in 129 of the cases. There is no data on

how many of the offences included firearms, but the study concluded that the use or involvement of firearms was limited.<sup>123</sup>

Danish extreme right-wing organisations officially distance themselves from violence and other unlawful activities. Yet individuals with varying degrees of involvement with these groups have been known to engage in criminal activities, including the possession of illegal weapons.<sup>124</sup> Individual members of the National Front of Denmark, for example, have been convicted of the illegal possession of weapons and/or violent assaults, including violent hate crimes.<sup>125</sup> A public report states that some members of the National Front of Denmark have received weapons training in Russia.<sup>126</sup>

In January 2014 Danish Defence League member Jimmie Hørskov Juhler, the treasurer and deputy chairman of the Danish Defence League Support Association, updated his profile picture on Facebook to one of the Norwegian terrorist and mass murderer Anders Behring Breivik. The image was the notorious self-portrait of the Norwegian terrorist in uniform posing with a gun, but Breivik's face was replaced with that of Jimmie Hørskov Juhler.<sup>127</sup> As of April 2017 the Danish Defence League's Facebook page had obtained 12,000 likes.<sup>128</sup> The profile picture is an anecdotal case of the potential symbolic value firearms hold in right-wing extremist environments.

In December 2014 the Norwegian police seized automatic weapons and narcotics from members of the Norwegian Resistance Movement. The movement's logo was found on some of the weapons. The Nordic Resistance Movement is the name of the umbrella organisation made up by the Swedish, Finish, Danish and Norwegian resistance movements. Several members of the Swedish chapter of the organisation have previously been convicted of illegal firearms possession.<sup>129</sup> Like the Nordic Resistance Movement, the National Socialist Society of Denmark and the organisation Stop the Islamisation of Denmark have stated that they would use violence in self-defence.<sup>130</sup> In June 2017 three members of the Swedish chapter of the Nordic Resistance Movement were charged with detonating two bombs and placing a third at a left-wing community centre and two refugee housing facilities in Gothenburg, Sweden, in January 2017, causing severe injuries to one victim.<sup>131</sup>

According to PET, some left-wing and right-wing extremist networks in Denmark are prepared to use violence to promote their agendas. Such violence can be directed against political opponents; minority groups, including refugees and migrants; and organisations and companies that are judged to have symbolic value. Yet the CTA believes that there is a limited terrorist threat from people or groups who move in or sympathise with these environments, but that increasing focus on refugees and migrants among people linked to these networks or with extremist sympathies may

increase the threat to asylum centres, refugees and migrants, and the responsible authorities. The CTA further assesses that threats can take the form of violence, arson or other attacks. Attacks and threats against refugees and migrants from right-wing extremists can in turn lead to counter-reactions from extreme Islamists or from members of left-wing extremist circles.<sup>132</sup>

### 3.3 Crossover between criminal and political violent networks

Several studies have shown crossovers between known terrorists behind recent attacks in Europe and criminal environments, largely by mapping the past criminal records of known terrorists. One recent Danish study, for example, showed that an increasing proportion of the perpetrators who are directly involved in terrorist attacks linked to jihadism in Europe have known criminal pasts. Between 2001 and 2011 five of the 33 perpetrators of terrorist attacks had known criminal backgrounds, while between 2012 and July 2016, 30 out of 51 had such backgrounds.<sup>133</sup> A study by the International Centre for the Study of Radicalisation and Political Violence found that the crime-terrorism nexus did not mean the merging of criminals and terrorists as organisations, but of their social networks, environments or milieus. Criminal and terrorist groups, for example, often recruit from the same pool of people, creating (often unintended) synergies and overlaps that have consequences for how individuals radicalise and operate.<sup>134</sup>

Already in 2014 the Danish government stated that a key concern for Danish authorities are criminals, including people associated with gangs, with close links to extremist circles.<sup>135</sup> The crossover between criminal and politically motivated violence became much more apparent since the shootings in Copenhagen 2015, which, as we have seen, were carried out by a former local gang member who had recently been released from prison. The police's evaluation report of the terrorist attacks in Copenhagen found the crossover between criminal and violent extremism in Denmark to be a growing concern:

*In the gangster environments, there are signs of radicalization and it can be noted that there are people who perceive themselves in both environments and who exploit their connections to the criminal environment to gain access to weapons, etc. These people, who are simultaneously affected by militant Islamic propaganda, and who move in environments with high levels of violence, constitute an increasing concern.<sup>136</sup>*

A recent study of the crossover between crime and extremism in Denmark found that individuals do indeed move in and out of both environments, while there are also social and geographical crossovers. However, crossover can also contain groupings that operate in a greyer area in between or overlapping both ideologically motivated crimes and other crimes. Criminal and extremist groups may also complement each other. Extremist groups may serve as alternatives to criminal groups, on the assumption that they offer other forms of community and morality than criminal networks.<sup>137</sup>

Access to weapons and explosives is a condition for terrorist incidents and violent conflicts in other criminal environments.<sup>138</sup> According to PET, contact with the criminal community can facilitate access to weapons and explosives for extremists intending to carry out an attack.<sup>139</sup> Or, as in the case of el-Hussein, the terrorist had past experience of illegal gun acquisition techniques and could himself obtain a highly lethal firearm through a planned home robbery. PET further believes that there are people who have both the intention and capacity to commit terrorist attacks in Denmark, partly due to the availability of illegal firearms, and that relatively simple attack by individuals or small groups continue to represent the most likely form of terrorist attacks in Denmark.<sup>140</sup>

The CTA believes that violent extremist communities thrive in both criminal gang environments and prisons. The CTA further believes that stays in conflict zones and/or related prior involvement with the criminal community may be indicators of radicalised individuals' capacity to commit violent acts.<sup>141</sup> Criminal gang environments are characterised by their members' readiness to use violence. Thus, people without experience in conflict zones may have developed the capacity for violent crime in criminal environments.<sup>142</sup> The attacks on the Krudttønden Café and the synagogue in Copenhagen on 14 and 15 February 2015 are examples of this type of attack. Despite the warnings of the potential capacity to carry out terrorist attacks in Denmark of the over one hundred Danes who have travelled to Syria and Iraq to fight for ISIS, el-Hussein was trained in criminal gangs in Copenhagen, not on the battlefields in Syria.

Although most extremist organisations in Denmark are not associated with violence or unlawful activities, individuals and criminal groups use ideological elements of the extreme Islamist and right-wing political environments to legitimise violent and criminal acts.<sup>143</sup> Individuals associated with extremist groups have been known to act on their own when engaging in violent and other illegal acts. This is most visible in terms of motorcycle club-related individuals engaging in right-wing extremism, but also occurs among individuals who misinterpret the mandate they are given by these groups.<sup>144</sup> Some people with connection to the gang and



motorcycle club environments also find themselves ideologically linked to the radical right-wing environment. As part of this environment, the individuals attached to the motorcycle club environment often deem Islam to be a threat.<sup>145</sup> A recent report by Danish welfare authorities further highlighted that certain gangs or criminal groups had increasingly begun to embrace Islamist views in their rhetoric, as well on the internet and in social media. One example is Loyal to Familia, which is particularly active in the Copenhagen area. The group increasingly claim that they have felt excluded by society because of racism and discrimination, not least from the police, which motivates their unlawful actions.<sup>146</sup>

Extreme Islamist environments may offer gang members an alternative community and establish an apparently legitimate framework for the pursuit of crime and violence. Individuals in gang environments may, for example, start using militant Islamist symbols and rhetoric as an identity marker, or actual radicalisation may result, in which a subject uses the gang capacity for violence, including access to weapons, and applies it to a militant Islamist agenda.<sup>147</sup>

#### 4. Conclusions

Denmark does not have a significant problem with organised domestic terrorism or violent extremism, and only a few cases have involved illegal firearms. The one recent terrorist attack – in Copenhagen on 14-15 February 2015 – was a so-called ‘lone-wolf’ attack without any affiliation to a terrorist organisation. Historical terrorist activities in Denmark, which were conducted primarily by left-wing extremists, but also occasionally by right-wing extremists, have rarely involved firearms. Left-wing extremist organisations have since largely become non-violent. According to the Danish police, the Security and Intelligence Service, and an academic expert on Danish extremism, Denmark does not have a major problem with violent extremism in terms of the traditional ideological spectrum. However, at the same time, the country has experienced several attempted and actual attacks in the past ten years and has a comparatively high number of citizens who have left to fight for ISIS (although this trend among foreign fighters is declining, like elsewhere in Europe). Denmark also has a problem with gang violence and illegal weapons, and there is some crossover between the criminal and domestic extremist environment. Both the extremist and gang environments in Denmark have diversified in the past one-to-two decades.

The illegal firearms market in Denmark is fragmented and supply driven. Many of the firearms that are seized by the police are unregistered old firearms, and the

majority of the illegal firearms available in Denmark are believed to have been sourced domestically, through theft. Although the biggest concern are the black markets run by criminals, Danish authorities also face a problem with individuals and gun enthusiasts without violent or criminal intentions who act outside the law. One example is informal garage sales of firearms; another is that many citizens keep old firearms on their property without proper registration or licences. Another source of supply is illegal imports of deactivated firearms, gas weapons and lethal firearms. Some gas weapons are converted before being smuggled into Denmark, while others are converted after entry. Illegal imports of firearms are often organised by criminals who also smuggle goods or people. Denmark is also a transit country for firearms being trafficked into Sweden: the Öresund bridge between Copenhagen and Malmö is the most common entry point for illicit firearms being trafficked overland into that country.

Some of the policy challenges Denmark faces are the difficulty of linking firearms crimes to gang environments, which would allow the use of the gang clause in the legislative framework, and the less restrictive legal frameworks on firearms in other EU and Schengen Area countries, which tend to undermine the strict Danish legal framework. A potential future policy challenge is Danish-Europol cooperation, given Denmark's withdrawal from Europol in 2017.

The Danish approach to preventing illegal firearms possession and terrorist access to weapons has been targeted primarily at fighting criminal gangs and enforcing the country's strict gun laws among civilian, non-violent firearms owners and traders. The aim has been to weaken criminal gangs, deter criminals from using firearms in their activities, and reduce the availability and use of illegal firearms. Although the police maintain that this approach has been highly successful, it only seems to keep violence levels down for a couple of years at a time.

The National Action Plan to prevent radicalisation and violent extremism contains numerous recommendations for action at different levels of society, including by both the social services and law enforcement agencies. The updated 2016 National Action Plan also states that there is a crossover between criminal gangs and violent extremism in terms of both operations and recruitment, and this requires more targeted and consistent efforts against common crimes committed in radicalised environments. Nonetheless, this strategic document does not include any reference to firearms or gun control efforts.

Although Denmark already has plans and policies to tackle illegal gun possession and limit criminal access to and use of firearms, more could be done to integrate firearm-specific initiatives in the established long-term programmes developed

through inter-agency collaboration to prevent violent extremism. This would include a specific focus on firearms- and gun-enabled crime in broader violence prevention measures, to shift the balance away from the predominantly repressive firearms measures under the so-called 'gang packages'. More awareness could also be raised among legal gun holders to prevent the illegal circulation of weapons that might end up in the hands of terrorists or other criminals.

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# Lethal legacies: Illicit firearms and terrorism in France

**NICOLAS FLORQUIN AND ANDRÉ DESMARAIS<sup>1</sup>**

This chapter analyses the illicit firearms market in France, the ways in which terrorist networks have been able to access firearms, and the national policies that have been developed to combat (terrorist access to) the illicit gun market. Particularly since 2015, France has by far been the European country most affected by terrorist attacks involving the use of firearms. The use of fully automatic rifles in the January and November 2015 Paris attacks took an unprecedented human toll, with 147 deaths in those events alone.<sup>1</sup> In 2015 the French authorities made 424 terrorism-related arrests, compared to 238 in 2014 and 225 in 2013.<sup>2</sup>

The recent attacks have created a push to reform the country's intelligence and security forces in order to adapt to, anticipate and better respond to these threats.<sup>3</sup> The government has also identified a series of measures to tackle the issue of illicitly held firearms: the Ministry of the Interior's National Action Plan was launched on 13 November 2015, just hours before the attack on the Bataclan theatre started.<sup>4</sup> Yet these efforts can only rely on limited information on and analysis of the extent and nature of the illicit arms market in France, owing principally to the fact that levels of gun violence in France were previously moderate, if not low by international standards.

This study constitutes an unprecedented effort to present and analyse data and information on illicit firearms and their acquisition by terrorist actors in France. Indeed, the literature on the illicit firearms market in France is particularly scarce, with only a few notable exceptions. To overcome this lacuna, this study uses a combination of quantitative and qualitative methods (see Box 1).

<sup>1</sup> The authors would like to thank their colleagues at the Small Arms Survey for supporting this research, particularly Anna Alvazzi del Frate for her overall guidance, as well as Moshe Ben Hamo Yeger for his research assistance.

### Box 1: Research design

Several methods were used to analyse the illicit gun market in France, terrorist access to this market and the policy that has been developed to combat this security phenomenon.

Firstly, desk research was conducted in which scientific literature, data from earlier studies, policy and legislative documents, and open-source media reports were studied.

Secondly, the research team collected and analysed quantitative data from several state services, including statistics on legally registered firearms, weapons seizures, crime forensic and ballistics analyses, gun-related crime and morgue examinations.

Lastly, more than 25 in-depth interviews with key actors involved in combating (terrorist access to) the illicit firearms market in France were conducted between March and May 2017. The research further drew from other research undertaken by the Small Arms Survey in France since late 2016 on the specific but related issue of illicitly converted firearms. Unless specified otherwise, representatives from the institutions listed below were met in person, with interviews often followed by additional written communications and data sharing. The names and affiliations of several informants are kept anonymous in the text through the use of interview codes. This list does not include a number of informants and experts with specific knowledge who were interviewed in their personal capacities.

#### Central and regional state services

- Direction Générale des Douanes et Droits Indirects (DGDDI), Bureau D3, Lutte contre la fraude, Montreuil
- Direction Nationale du Renseignement et des Enquêtes Douanières (DNRED), Ivry-sur-Seine
- Tribunal de Grande Instance de Paris, by phone
- Section Centrale des Armes, Explosifs, et Matières Sensibles (SCAEMS), Direction Centrale de la Police Judiciaire (DCPJ), Nanterre
- Service Central des Armes (SCA), Nanterre
- Sous-Direction Anti-Terroriste, DCPJ, by phone
- Pole Judiciaire de la Gendarmerie Nationale, Cergy Pontoise
- Institut de Recherche Criminelle de la Gendarmerie Nationale (IRCGN), Cergy Pontoise
- Service Central d'Identité Judiciaire, DCPJ, Ecully

- Institut National de la Police Scientifique (INPS), Ecully
- Direction Interrégionale de la Police Judiciaire, Marseille
- Centre de Déminage, Marseille
- Unité Médico-Légale, Marseille

#### **Municipal-level security actors**

- Communauté d'Agglomération Melun Val de Seine, Dammarie-lès-Lys
- Association Nationale des Cadres Territoriaux de la Sécurité, Saint Etienne

#### **Research and training institutions**

- Observatoire National de la Délinquance et des Réponses Pénales (ONDRP), Paris
- Ecole Nationale Supérieure de la Police, Saint-Cyr-Au-Mont-d'Or

#### **Other actors**

- Banc National d'Epreuve, Saint Etienne
- Chambre Syndicale des Armuriers, by phone

The report consists of three main sections and a conclusion. The first section examines French national policy established in the wake of the 2015 terrorist attacks to combat the illicit firearms market. In doing so, it identifies the main actors involved, the data management tools being developed, the state of international cooperation and remaining challenges identified by interviewed stakeholders. The second section analyses the characteristics of the illicit firearms market in France. It discusses the size of this market, the general typology of illicit firearms in France, black market prices, and the main sources of supply of and actors involved in the illicit firearms market.

The third section focuses on terrorist actors' access to the illicit firearms market in France. It starts with an overview of terrorist activities and attacks involving firearms in France since the early 1990s. This is followed by an analysis of the typology and acquisition of firearms used by terrorist networks in France. Due to the secrecy surrounding ongoing terrorism-related investigations, official information was not available on the proximate sources of supply for firearms used in recent jihadist attacks. French services have nevertheless provided detailed unpublished data on the models of firearms and types of ammunition used in several incidents, as well as on the status of their tracing efforts. Combined with available open-source reporting, this information makes it possible to draw some important conclusions on the links between terrorist acquisition of firearms and organised crime.

## 1. National policy to fight (terrorist access to) the illegal firearms market

The recent wave of terrorist attacks in France have created a push to accelerate reform of the country's intelligence and security forces in order to adapt to, anticipate and better respond to these threats.<sup>5</sup> France declared a state of emergency on the night of the November 2015 attacks in Paris, which was extended until new anti-terror legislation entered into force on 1 November 2017.<sup>6</sup>

In parallel, the government has also identified a series of measures to specifically tackle the issue of illicitly held firearms. The Ministry of the Interior's National Action Plan on illegally held weapons was launched on 13 November 2015, only hours before the start of the November 2015 Paris attacks that killed 130 people.<sup>7</sup> The plan includes a set of 20 measures, grouped under five core pillars. The French customs service devised its own action plan containing 14 measures that focus on giving the institution the judiciary, operational and intelligence means to address the issue.<sup>8</sup> Regular coordination meetings are organised to ensure the coherence and complementarity of the two plans.<sup>9</sup>

The following section reviews efforts to address each of the five pillars identified in the Interior Ministry's action plan on firearms. In doing so, it identifies the main actors involved, the data management tools being developed, the state of international cooperation and remaining challenges identified by interviewed stakeholders.

### 1.1 Reinforcing knowledge on trafficking routes and actors

This set of measures includes improving the collection and analysis of intelligence, including the development of a database of seized, recovered and found firearms. It also envisions making the ballistics testing of firearms systematic in all judiciary investigations. The plan further notes the need to improve general knowledge of firearms and of the relevant legal regulations among police officers, gendarmes, and local state officials.<sup>10</sup>

The following sections of this report will draw largely from law enforcement agencies' data management systems. The SCAEMS at the DCPJ in Nanterre centralises data on seized, recovered, found and lost weapons recorded by both the police and gendarmerie. Data for 2015 can be disaggregated by legal weapons category and *département*. However, the SCAEMS noted that the current system does not allow

these statistics to be broken down by type of crime or offence, or users to determine the proportion of seized weapons that are or were previously registered.<sup>11</sup> Developing these capabilities would help to provide a more detailed understanding of the sources and uses of illicit weapons. It would also be in line with international commitments to reduce illicit arms flows under Target 16.4<sup>1</sup> of the UN's Sustainable Development Goals.<sup>12</sup>

The Fichier National d'Identification Balistique (FNIB, a ballistics database) is hosted by the INPS in Ecully and is based on the Evofinder system.<sup>13</sup> Created in early 2016, as of 31 December 2016 it included 16,576 ballistics entries from both the police and gendarmerie, including new cases entered since the inception of the system, as well some old cases that could be transferred from the previous CIBLE database. Open cases for which the crime weapon has not been retrieved are also being re-entered into the new system. The system remains in its infancy, however, with less than 50% of seized weapons currently being examined by the laboratories. This proportion has been growing following internal guidelines requesting the security services to systematically submit recovered firearms to forensic analysis, as well as the establishment of 'proximity ballistics' (*balistique de proximité*) facilities across France since 2010.<sup>14</sup>

The FNIB database holds promise for improved ballistics analysis in France and for facilitating ballistics information exchanges with other European partners, especially if its coverage can expand to include all seized firearms. In 2016 alone the system identified 60 ballistic 'hits', establishing links between different criminal cases where the same weapon was used. Several of these hits had been missed by the previous CIBLE database.<sup>15</sup> Given the FNIB database's technical focus, its utility for generating analysis on the nature of arms trafficking could still be improved: while the system allows for disaggregating data by type of offence or crime, many offences are grouped under a catch-all category entitled '*infraction à la législation sur les armes*' (breaches of the firearms law), which would merit further disaggregation. Furthermore, determining whether examined weapons were previously registered in the Application de Gestion du Répertoire Informatisé des Propriétaires et Possesseurs d'Armes (AGRIPPA database) and future Système d'Information des Armes (SIA database) would help better ascertain the origins of the seized weapons.

Police and gendarmerie officials noted the need to train officers in the field to enhance their understanding of the significance of firearms in criminal investigations and improve the quality of their recording of information on seized

<sup>1</sup> As of May 2017 the proposed indicator for monitoring progress towards this target is the 'Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments'.



weapons.<sup>16</sup> They also highlighted the importance of encouraging and supporting officers to investigate firearms retrieved in the context of other crimes, such as drug trafficking. In such cases, investigators tend to prioritise the forensic investigation of the drugs over that of the firearms.<sup>17</sup> Initiatives are under way in security agencies to address these concerns. The gendarmerie, for instance, created the Plateau d'Investigation eXplosifs et Armes à Feu (PIXAF), a team of four gendarmes working closely with the IRCGN that, among other duties, assists and serves as a resource for field officers by facilitating forensic analysis of the firearms that are retrieved and by disseminating strategic guidance notes on emerging trafficking trends.<sup>18</sup>

## **1.2 Reinforcing targeted interventions to destabilise trafficking actors**

The National Action Plan includes a number of measures related to combating internet trafficking; undertaking operations that target specific trafficking sources, actors and hotspots; coordinating controls at the country's points of entry; and reinforcing controls over gun shops and arms fairs.<sup>19</sup>

Both the gendarmerie, through PIXAF, and customs, through the DNRED, monitor and investigate the online market in small arms, including the dark web, with particular focus on francophone sites. In 2016 alone PIXAF identified 160 illicit online firearms transactions.<sup>20</sup> Since June 2016 these bodies have also been authorised to organise undercover purchase operations and use online avatars to investigate cases. The first such investigation was in progress at PIXAF in late March 2017.<sup>21</sup>

Both institutions also monitor arms fairs, targeting suspicious attendees identified by undercover officers.<sup>22</sup> The customs action plan also envisions the creation of teams using dogs trained to detect firearms that will support units that perform controls on roads, at railway stations, and in postal and courier centres.<sup>23</sup>

## **1.3 Modernising the regulatory regime on arms trafficking**

The French government first adopted legislation classifying weapons into eight categories in 1939.<sup>24</sup> Despite numerous amendments over the years,<sup>25</sup> this classification system formed the bedrock of the country's firearm legislation until 2013, even though European Council Directive 91/477/EEC of 1991 called for greater harmonisation within the European Union (EU) by January 1993.<sup>26</sup> Between 1991 and

2013 a number of decrees were passed to reclassify specific weapons of concern<sup>I</sup> and to strengthen the background checks required for obtaining firearms subject to authorisation.<sup>II</sup> On 6 September 2013 France passed new arms control legislation<sup>27</sup> that effectively moved away from the 1939 eight-category system towards the EU classification system based on four categories of firearms (categories A, B, C and D).

The 2013 legislation has been further strengthened following the 2015 wave of terror attacks. This has included the adoption of decrees to reclassify certain types of replica and deactivated firearms:

- In 2016 blank-firing Zoraki R1 and Ekol Voltran Arda revolvers and other firearms with similar characteristics were classified in Category B.<sup>28</sup> In practice, individuals who owned these weapons before the decree was passed had to place them in the custody of a registered firearms retailer and had one year to obtain the required authorisation from the authorities.<sup>29</sup> Alternatively, they could surrender them to the authorities for destruction or have them deactivated at the Banc d'Epreuve (proof house) in Saint Etienne.
- Since May 2017 firearms modified to fire blank ammunition in order to create a noise effect ('*armes de spectacle*', which include the 'acoustic expansion weapons' discussed later in this chapter) are to be classified under their pre-modification legal category. In addition, all firearms – including alarm and signal weapons – that are produced and modified in or introduced or imported into France must be tested by the Banc d'Epreuve in Saint Etienne and must be officially classified by the Interior Ministry before being introduced onto the French market.<sup>30</sup>

Moreover, as foreseen in the National Action Plan, in 2016 prison terms for illicitly acquiring, holding and selling Category A and B weapons were increased from three to five years, and to ten years when such offences were orchestrated by two or more individuals.<sup>31</sup>

I In 1997, for example, the non-lethal MR35 repeating pistol was classified in the former fourth category (now Category B) (Decree of 16 September 1997 on the classification of some specific firearms and ammunitions in the fourth category, *Journal Officiel* 224, p. 13985), while in 1998 slide-action shotguns, and single-shot, rimfire handguns of an overall length greater than 28 cm became classified in the former fourth category (now Category B) (Decree 98-1148 of 16 December 1998, *Journal Officiel* of 17 December 1998, p. 19048).

II In 2003, for example, 'any person applying for the issue or renewal of an authorisation for the acquisition or possession of weapons or ammunition of the 1st and 4th categories ... must present a medical certificate attesting that his or her physical and mental health is not incompatible with the possession of such devices' (Law 2003-239 of 18 March 2003 on internal security, *Journal Officiel* 66 of 19 March 2003, pp. 4761ff).

On 12 January 2017 the Minister of the Interior inaugurated the new SCA in Nanterre to coordinate the ministry's policy on arms control.<sup>32</sup> A key task for the new service – staffed with 41 employees as of March 2017 – involves transitioning from the AGRIPPA registry of legally held firearms to the new SIA database. The SIA will allow the tracing of every legally held firearm throughout its life cycle, based on its serial number. Exchanges of information will be possible with the relevant civilian actors, including firearms producers, importers, hunting and sports shooting associations, and the Banc d'Épreuve, in order to keep track of all successive legal owners from a weapon's manufacture or importation to its deactivation, destruction or export. The SIA will be rolled out according to the time lines set under the new EU firearms directive.<sup>33</sup> The SCA acts as the coordinating body and as a resource for local state agencies when they implement the firearms legislation. The SCA is also responsible for establishing the technical norms for firearms deactivation and for certifying firearms as deactivated in France in accordance with EU Regulation 2015/2403 of 15 December 2015.<sup>34</sup>

#### 1.4 Improving international cooperation

Following the 2015 attacks, and in accordance with the National Action Plan,<sup>35</sup> France applied strong pressure on its European partners to fast track the ongoing reform of the EU firearms directive and the development of the new EU regulation on firearms deactivation.<sup>36</sup> Officials expressed frustration at the time required to adopt the new instruments; specifically, the reopening of technical negotiations on the new deactivation regulation has further delayed this measure. France appears to be one of only a few countries that have started to implement the deactivation regulation, despite its entry into force in April 2016.<sup>37</sup>

The key international partners being engaged by French agencies include Interpol, Europol (including EMPACT<sup>1</sup> firearms) and the European Firearms Experts group.<sup>38</sup> The French police meet their European counterparts physically every six months, but also communicate regularly with them more frequently to exchange information.<sup>39</sup> The SCA in particular takes part in ongoing meetings and working groups dealing with the exchange of information on denials of requests to authorise the ownership of Category A and B firearms, alarm and signal pistols, and deactivation.<sup>40</sup>

Through the SCA, France is until October 2018 the current rotating chair of the Permanent International Commission for Firearms Testing (CIP), the body that provided technical guidance for the EU firearms deactivation regulation.<sup>41</sup> At the request

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I European Multidisciplinary Platform against Criminal Threats.

of the European Commission, the CIP has also established a working group to support work on a definition for alarm pistols.<sup>42</sup>

In addition to cooperating with neighbouring states, France has also established special cooperation programmes with states in the Balkans, notably in Bosnia and Serbia, to support governments in the region in tracking and stemming illicit firearms proliferation. This has included, for instance, deploying *attachés de sécurité intérieure* (internal security attachés) to these countries and mobilising them to work on this issue.<sup>43</sup> A cooperation programme with Serbia has led to monthly meetings between the two countries' police, customs, justice, and administrative officials, as well as the creation of a permanent intelligence unit with Serbia and the carrying out of joint operational initiatives.<sup>44</sup> The French police have also visited their counterparts in Slovakia to investigate the issue of easily retro-convertible deactivated firearms sold as blank-firing firearms (acoustic expansion weapons) and 6 mm Flobert by Slovakian companies.<sup>45</sup>

With regard to the United States, French police authorities are also in regular contact with the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Federal Bureau of Investigation, and liaison officers, while the SCA maintains contacts with the Sporting Arms and Ammunition Manufacturers Institute. Through the EU, contacts are being initiated with countries in the Middle East and North Africa. There are no contacts with Turkey, however.<sup>46</sup>

## 1.5 Developing interventions for French citizens

Based on the observation that burglaries represent the majority of cases of stolen firearms, and drawing from pilot interventions carried out in French overseas territories, the National Action Plan envisions campaigns to encourage owners of firearms to surrender them voluntarily at police and gendarmerie stations.<sup>47</sup> There was no publicly available information or statistics about the implementation of such voluntary weapons surrender campaigns at the time of writing.

Several interviewed experts and officials noted the strength of the gun lobby in Europe (and on some specific issues in France), and the politicised nature of the civilian arms control debate, which according to them hindered the implementation of the needed pragmatic reforms.<sup>48</sup> Some pointed to the recent appearance of groups advocating for looser restrictions on firearms, especially those dealing with the carrying of firearms by private citizens, on the basis that arming responsible citizens may help to deter or counter future terrorist attacks.<sup>49</sup> In the tense security situation currently prevailing in France it appears that some individuals prefer to

keep weapons at home out of anxiety for the future, while others decide to acquire firearms illicitly for self-defence.<sup>50</sup> These dynamics and perceptions need to be taken into consideration or they will hinder the success of any voluntary weapons collection campaign.

## **2. Characteristics of the illicit firearms market in France**

### **2.1 Size of the illicit firearms market**

Assessing the size of the illicit firearms market in any country is fraught with challenges. Generally speaking, weapons are considered illicit when they are produced, transferred, held, or used in violation of national or international law.<sup>51</sup> Estimating their volume is therefore not a straightforward task and requires examining the various ways in which weapons become illicit throughout their life cycle. Officials interviewed for this study were reluctant to provide official estimates of the total number of illicit firearms circulating in France, citing methodological concerns.<sup>52</sup> Key informants state that illicit weapons in France include not just firearms smuggled into the country and used by criminal actors,<sup>53</sup> but also firearms left behind after the Second World War, as well as hunting and other firearms that are inherited from generation to generation but never declared. In line with previous EU-focused studies,<sup>54</sup> available indicators of the extent of the illicit firearms market in France reviewed in this report include estimates of legal and illicit holdings, information on weapons seized by the authorities, and data on the use of firearms in violent crime.

#### **2.1.1 Estimates of legal and illegal firearms possession**

Assessing illicit arms holdings in France requires an understanding of the linkages between legally and clandestinely held weapons. Indeed, analysts note that the majority of firearms held or sold illicitly in the country do not originate from foreign sources such as the Balkans or Eastern Europe, but are stolen from legal owners or have been held for generations in France without being declared to the authorities.<sup>55</sup> Indeed, thousands of firearms are reported stolen every year in France, including 10,572 in 2015 alone.<sup>56</sup>

According to the SCA, as of 30 March 2017 a total of 4,501,235 firearms were registered in the AGRIPPA database. They include 1,221,667 firearms in Category B (firearms subject to authorisation), 3,050,083 in Category C (firearms subject to

declaration) and 229,485 in Category D (this figure refers specifically to sub-category D1a: shoulder-fired, single-shot, smoothbore firearms registered since December 2011).<sup>57</sup> In addition, the SCA notes that an estimated 2-3 million firearms that belong to sub-category D1 (single-shot, smoothbore, shoulder-fired weapons and shotguns) are not subject to declaration, because they were held or acquired before the declaration requirement introduced in December 2011.<sup>58</sup> The reliability of this estimate of legally held but unregistered firearms is difficult to assess.<sup>59</sup> Moreover, this situation hinders the tracing of such unregistered firearms if and when they are used for criminal purposes, and affects the reliability of statistics on both legal and illicit firearms in France.

The pools of illicit firearms are possibly significant, but difficult to estimate. For instance, according to the president of the Syndicat des Armuriers, based on the number of arms typically held by hunters, France's 1-1.5 million holders of hunting permits can be estimated to own about 6 million hunting rifles and shotguns, both registered and unregistered.<sup>60</sup> The AGRIPPA register currently does not make it possible to determine how many of the almost 3.3 million registered Category C and D shotguns and rifles are owned by hunters, however.<sup>61</sup> As a result, estimating unregistered hunting firearms is currently difficult.

Some insights into overall gun ownership can be gained from representative household surveys and opinion polls that ask respondents if they or their household own a firearm. Generally, survey methodology is likely to result in the under-reporting of firearms ownership – especially illegally held weapons.<sup>62</sup> Yet it provides important comparative data to supplement existing official data and expert knowledge. According to the most recent survey carried out in the EU, France has the eighth-highest rate of gun ownership in Europe, suggesting significant total holdings. In 2013, 7% of respondents declared that they personally owned a firearm to the Flash Eurobarometer 383 survey.<sup>63</sup> Extrapolating these results to France's population of aged 15 or more of 52.7 million in 2015,<sup>64</sup> this suggests that there are 3.7 million individual gun owners in France who each own one or several firearms.

Expert estimates' on the total number of firearms in France are rather scarce and tend to vary greatly. In 2017, for instance, the president of the Syndicat des Armuriers reiterated earlier assessments that the total of civilian-held firearms stands at about 10 million, based on his above-mentioned calculation of the rifles and shotguns owned by hunters.<sup>65</sup> Other experts have given numbers as high as 20 million in the past, but no details are available on the methodology used to arrive at this figure.<sup>66</sup>

The wide range of estimates of total civilian firearm holdings in France highlights the current challenges in assessing gun ownership more generally in the country.

The ongoing reform of the national AGRIPPA register, additional polling, and research into gun ownership patterns among the principal categories of gun owners are needed to shed further light on both undeclared and illicit holdings in France.

2.1.2 Seizures of firearms

Data collated from official and media sources show that the police and gendarmerie regularly seize thousands of firearms every year (Table 1). The extent to which aggregated seizure data reflect the size of the illicit firearms market is subject to caveats, however. An increase in the number of weapons seized may instead be the result of the authorities’ dedicating more resources to seizing illicit weapons, or of changes in data-recording practices. The SCAEMS – which keeps track of firearms seized by the police and gendarmerie – notes that reforms implemented in 2002 and 2006, followed by the adoption of new software in 2010, contribute to the variations in reported annual seizures. Moreover, the apparent surge in the number of weapons seized in 2016 is to be nuanced by the fact that at the time they were cited by the minister of the interior, the 2016 data had not been fully cleaned and verified by the SCAEMS and may include cases of double counting.<sup>67</sup>

**Table 1: Firearms seized by the police, gendarmerie and customs, available years**

Year	Police and gendarmerie <sup>68</sup>	Customs <sup>69</sup>
2000	8,500	N/A
2005	4,400	N/A
2006	4,000	N/A
2007	3,400	N/A
2008	4,000	N/A
2009	1,463	N/A
2010	2,722	N/A
2011	3,910	N/A
2012	N/A	401
2013	N/A	823
2014	5,300	828
2015	6,145	1,158
2016	9,845	860

Moreover, not all of the seized weapons were necessarily trafficked: they could also have been seized as a result of their links with other types of criminal offences, or because of administrative violations, such as the lack of a licence or the failure to register a weapon.<sup>70</sup> While the SCAEMS reported that 1,300 firearms (about 20%) were seized in 2015 in the context of drug-related cases,<sup>71</sup> current software limitations do not make it possible to further break down the number of seizures by the specific type of crime and offence.<sup>72</sup> Moreover, current record-keeping by officers in the field does not allow the SCAEMS to determine the proportion of seized weapons that feature in the AGRIPPA database of registered firearms.<sup>73</sup>

In addition to the French police and gendarmerie, French customs officers annually seize several hundred firearms being imported, exported or transiting illicitly in the country (see Table 1). Customs officials seize these firearms not only at the country's ports of entry, but in fact primarily in people's homes or vehicles (during traffic control checks) and throughout the national territory.<sup>74</sup> When seizures are linked to other offences, the majority of cases relate to drug-related charges, with a more marginal number of cases of counterfeiting and forgery. Weapons seized by customs are not systematically cross-checked with the AGRIPPA register of legally held firearms; in cases where registered weapons were seized, they were usually held legally, but were confiscated together with illicit firearms.<sup>75</sup>

Officials explain that the peak in customs seizures observed in 2015, when almost 1,200 firearms were seized, is primarily due to one exceptional incident.<sup>76</sup> They consider the overall number of arms seizures to have remained stable since 2014, noting even a decrease in the number of Category A firearms seized between 2015 and 2016. In contrast, customs seizures of ammunition increased significantly from 67,848 units in 2014, to 110,649 in 2015, to 412,624 in 2016.<sup>77</sup> Much of this increase is attributable to a sharp rise in seizures of Category D ammunition, and in particular 12-gauge shells. While 12 gauge is the most common firearms calibre in France, customs officials could not identify a specific reason for its increased prominence in ammunition seizures.<sup>78</sup>

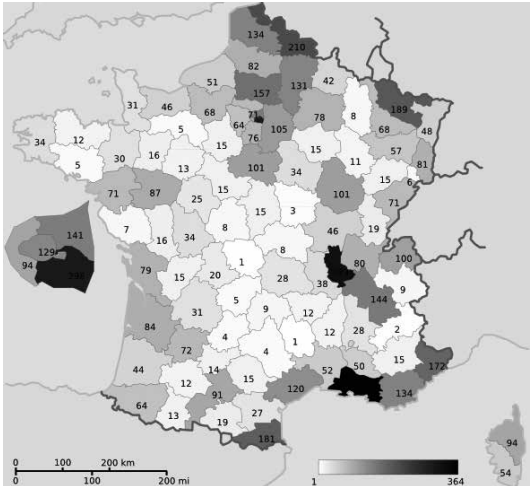
It appears clear that many weapons are seized by the police and gendarmerie in the context of violations of the country's firearms legislation. The IRCGN, which performs forensic analyses for the gendarmerie, for instance, reports that 82% of the 930 firearms<sup>79</sup> it examined between November 2015 and October 2016 were linked to cases of violations of firearms legislation (coded as 'ILA'). The remainder are distributed among attempted acts of violence, homicides and attempted homicides; participation in a criminal association; and armed robberies.<sup>80</sup> Category ILA can include a variety of offences, ranging from the possession of an illicit weapon to the illicit carrying or use of an otherwise perfectly legal firearm. More detailed data



would be helpful for determining more precisely the circumstances of the seizures and for excluding cases of minor administrative violations that do not constitute trafficking (e.g. failure to register an inherited firearm).

Bearing these caveats in mind, the geographical distribution of police and gendarmerie seizures in 2015 is presented in Map 1. Seizures appear to be concentrated in large population centres, including Paris and its surrounds, the north-eastern regions bordering Belgium and Germany, Lyon and its surrounds, and the Mediterranean coast. The picture is slightly different when taking into account population density: Corsica (46 firearms seized per 100,000 people) and the Pyrénées Orientales (39 per 100,000) stand out as the *départements* with the highest rates of seized firearms per 100,000 people (Map 2).<sup>81</sup> In the case of Corsica, the high rates of seizures correspond to an average homicide rate of 6.45 per 100,000 people for the period 1996-2015, which far exceeds those seen in the large cities of Marseille (3.81) and Paris (2.77).<sup>82</sup> The high seizure rate for the Pyrénées Orientales, located on the Spanish border, is more unusual, and appears to be the result of a single seizure involving dozens of firearms during 2015.<sup>83</sup> Taking these observations into consideration, it appears clear that firearms seizures are mostly concentrated in the north-eastern border regions, Paris, Lyon, the Mediterranean coast and Corsica.

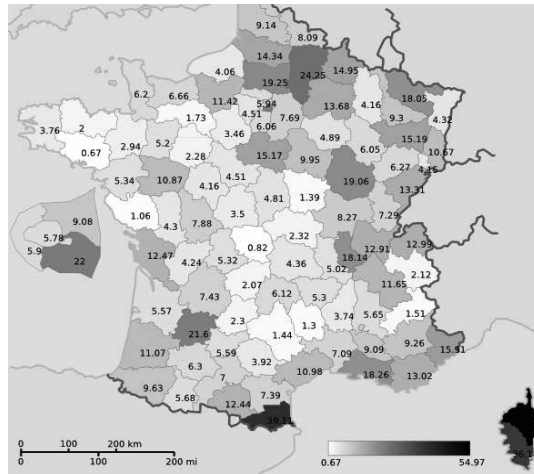
**Map 1: Number of firearms seized by police and gendarmerie in 2015, by département<sup>1</sup>**



Source: SCAEMS<sup>84</sup>

<sup>1</sup> The zoomed in départements on the left-side of the map are those of the ‘Ile de France region’

**Map 2: Rate of firearms seized by police and gendarmerie per 100,000 people in 2015, by département<sup>I</sup>**



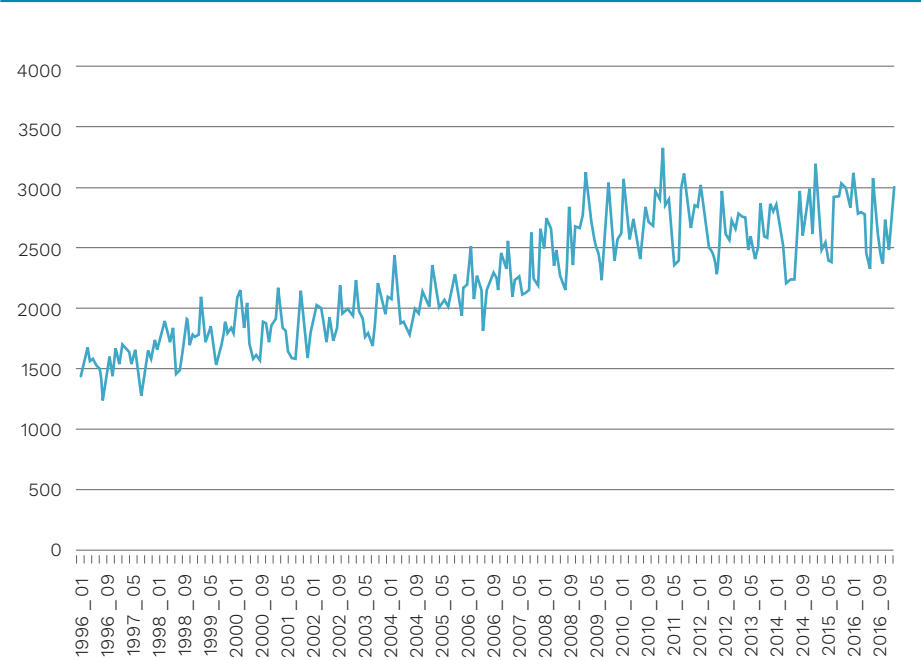
Sources: SCAEMS, INSEE<sup>85</sup>

### 2.1.3 Illicit use of firearms

The Ministry of the Interior publishes statistics on the number of offences related to ‘carrying or holding prohibited weapons’. These are incidents recorded by police and gendarmerie units in each *département* and compiled in the so-called ‘Etat 4001’ database. Not all these cases involve firearms, however: an undetermined proportion involve the illicit carrying of blunt weapons, teargas self-defence weapons and electric batons.<sup>86</sup> Figure 1 shows a steady increase in these offences between 1996 and 2010, after which they stabilised until early 2017 above 2,500 incidents per month. Disaggregating these available data by type of weapon would help shed further light on trends in prohibited firearms carrying or holding.

<sup>I</sup> The zoomed in départements on the left-side of the map are those of the ‘Ile de France region’

Figure 1: Monthly incidents of carrying or holding prohibited weapons, January 1996–March 2017



Source: Data.gouv.fr<sup>87</sup>

What is clearer is that, compared with other European states, the use of firearms in lethal violence in France is relatively moderate. Homicide rates in France have been decreasing in the last 20 years, from more than 1,500 in 1996 to less than 1,000 in 2014.<sup>88</sup> Significantly, the proportion of homicides in Paris that involved the use of a firearm decreased from 30% for the period 1994-2003 to 24% for 2004-2013.<sup>89</sup> For the period 2010-2015, about 17% of intentional homicides in all of France involved the use of a firearm, slightly lower than the 21% Western European and 24% European average.<sup>90</sup> France experienced an average of 138 firearm homicides per year for the period 2010-2015, or a rate of 0.2 per 100,000 people. This is roughly equal to the average in Western European states more generally and only about half the average rate for all European states.<sup>91</sup> Data on the types of firearms used to perpetrate homicides are not available nationally, however. Moreover, it is not currently possible to access statistics on the proportion of guns used in homicides that were registered and those that were illicit.

While nationwide statistics on the extent of the use of firearms in lethal violence are generally encouraging, the way these weapons are used can illustrate situations of extreme violence in specific regions. The Institut Médico-Légal in Marseille provided autopsy data on 105 cases of firearm homicides that occurred in the city and its surrounds in the period 2011-2017. This dataset reveals that in 15% of cases the injuries were caused by not one but two firearms (often a 9 x 19 mm firearm together with a shotgun or a 7.62 x 39 mm AK-pattern rifle). The data also make it possible to calculate the number of bullet paths per case, revealing how many shots hit each victim. As Table 2 illustrates, on average there were 10.5 bullet paths per body for each case involving 7.62 x 39 mm firearms, 7.1 for cases involving 9 x 19 mm guns, and 2.3 for cases involving shotguns. Moreover, it could be determined that in at least 19 of these 105 cases, one or more shots were fired from a distance of less than 2 metres from the victim.<sup>92</sup>

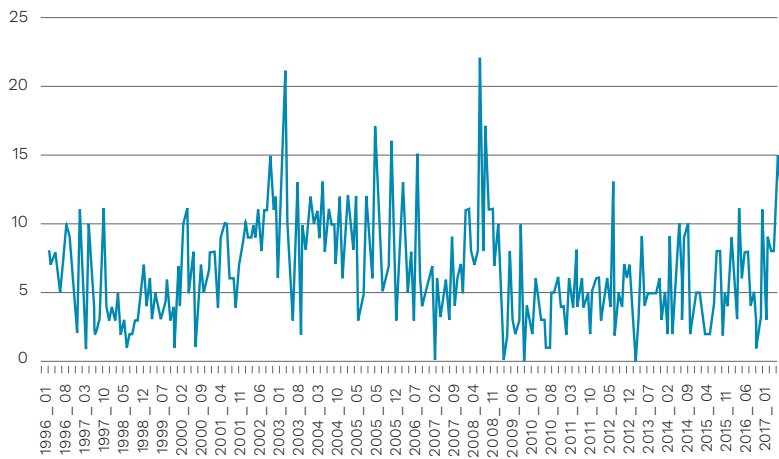
**Table 2: Number of bullet paths on victims of firearm homicides examined at the Institut Médico-Légal in Marseille, by calibre, 2011-2017**

Calibre	Number of cases	Average number of bullet paths per body
7.62 x 39 mm	21	10.5
9 x 19 mm	18	7.1
Shotgun	14	2.3

Source: Institut Médico-Légal, Marseille<sup>93</sup>

Indicators for other types of violent crime involving the use of a firearm highlight inconsistent trends. One such indicator is the number of '*règlements de compte*', or incidents of score settling between criminals, most of which involve the use of a firearm.<sup>94</sup> As Figure 2 illustrates, while the monthly incidence of such score settling appears to have increased in late 2016-early 2017, current levels remain much lower than the previous peaks experienced in 2002 and 2008.

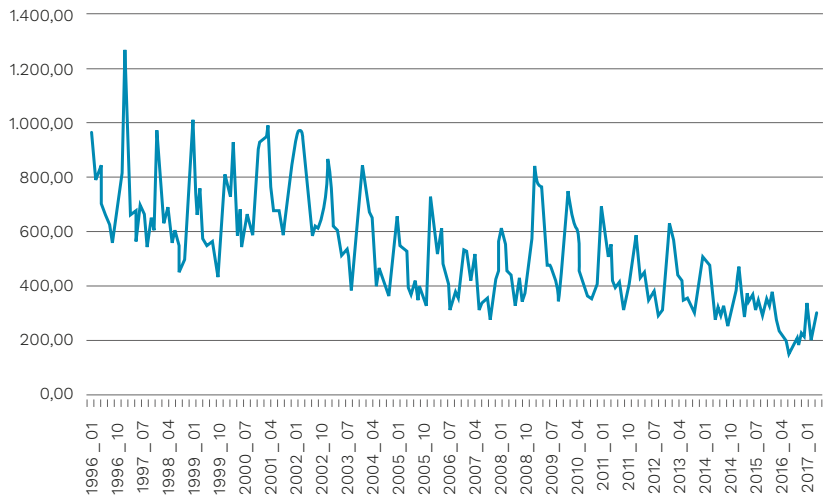
Figure 2: Monthly incidents of score settling by criminals, January 1996-March 2017



Source: Data.gouv.fr<sup>95</sup>

On the other hand, monthly armed robbery statistics reveal a steady decline since 1996 (Figure 3). According to the ONDRP, the reduction in robberies involving a firearm observed since 2013 can be seen across categories of victims. Yet it has benefited businesses (especially jewellery shops, petrol stations and tobacco shops) more than private individuals, who represented 45% of armed robbery victims in 2015.<sup>96</sup>

Figure 3: Monthly incidents of armed robberies, January 1996-March 2017



Source: Data.gouv.fr<sup>97</sup>

Overall, indicators point to relatively moderate levels of illicit firearms use in France, which appear relatively stable, or in several cases to be even decreasing. Similar to weapons seizures, however, rates of violence are unevenly distributed on the national territory, with the Corsica, Marseille and Paris areas emerging as ‘hotspots’ for firearms crime.<sup>98</sup> Furthermore, available data show that when firearms are used, they can involve significant violence and the firing of multiple shots at the victims.

## 2.2 Typology of available illicit firearms

Given the seemingly large pool of illicit firearms circulating in France (see above), it is crucial to examine the types most commonly encountered in the illicit sphere. What appears clear from the available firearm seizure data is that only a minority of illicitly held firearms can be considered ‘weapons of war’. The vast majority of illegal firearms in France belong to categories that are legally accessible to the general population, but are not adequately registered with, declared to, or authorised by the authorities. The following paragraphs will elaborate on this finding by presenting the available seizure data from customs, the police and the gendarmerie; forensic and ballistics data; and autopsy data. From the analysis of these different types of available datasets it can be concluded that the primary calibre for illicit firearms is 12 gauge (in use with shotguns), followed in varying order of importance, depending on the nature of the dataset, by 9 x 19 mm ammunition (typically in use with handguns and some sub-machine guns), .22LR (a popular calibre for rifles in France), and 7.65 mm Browning (a popular pistol calibre). Converted replica firearms are of concern, and appear more prominently in the reviewed datasets than reactivated firearms, although the importance of the latter may be under-represented, given their resemblance to original firearms. Also of note is the absence of 7.62 x 39 mm (that of standard AK-pattern assault rifles) in the top calibres of several datasets, although its use is more prominent in the context of the most serious crimes and offences.

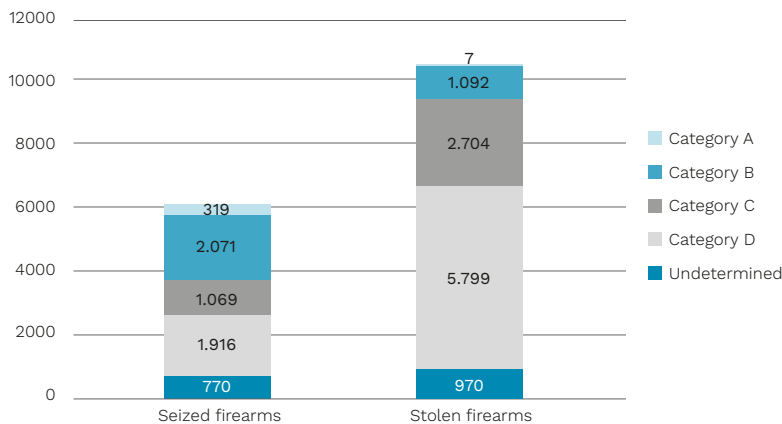
### 2.2.1 Seizure data

According to customs officials, the most prominent illicit firearms are, by order of importance, single-shot hunting shotguns, semi-automatic hunting rifles, pistols and revolvers.<sup>99</sup> In 2016, 38% of customs seizures involved Category B firearms (firearms subject to authorisation, including semi-automatic handguns and semi-automatic shoulder-fired weapons with a magazine capacity greater than three rounds), 31% were in Category C (firearms subject to declaration, including semi-automatic firearms with a magazine capacity of less than three rounds), 22% were in Category D (other firearms, including single-shot, smoothbore, shoulder-fired weapons, antiques

and deactivated firearms). Only 9% of custom seizures of firearms involved Category A firearms (prohibited weapons, including automatic firearms).<sup>100</sup>

A similar result can be observed when analysing the data provided by the SCAEMS. These data show that among the 6,145 firearms seized by the police and gendarmerie in 2015, only 5% belonged to Category A. In contrast, 34% belonged to Category B, 31% to Category D, and 17% to Category C, with the remainder unspecified.<sup>101</sup> Categories D (55%) and C (26%) also dominate the statistics for firearms reported stolen, although these also include a significant number of Category B weapons (10%) (Figure 4). The fact that weapons stolen in 2015 outnumbered those that were seized by the authorities suggests that the pool of illicit arms is growing, even more so if one adds undetermined numbers of weapons entering the country illicitly. It is nevertheless more encouraging that seizures for the more restricted categories of firearms – A and B – vastly outnumber thefts by a ratio of two to one.

**Figure 4: Number of firearms seized by and reported stolen to the police and gendarmerie, 2015, by category**



Source: SCAEMS<sup>102</sup>

### 2.2.2 Forensic and ballistics data

The French forensic laboratories of the gendarmerie and police examine almost half of all weapons seized by these agencies. The information they collect is particularly useful because firearms confiscated due to administrative violations are less likely to be included in forensic datasets, which tend to be more representative of

actual ‘crime guns’ – although there are exceptions to this rule.<sup>103</sup> The data – shown in tables 3 and 4 – illustrate the prominence of 12 gauge and .22LR among the observed firearms, which are common calibres for shotguns and sports-shooting rifles that can be legally held in France. It also reveals the presence of calibres in use with replica firearms (8 and 9 mm alarm) as well as makes of replica or trauma firearms (Baïkal, Bruni, Reck, Umarex). The presence of replica firearms in forensic datasets suggests that they were either used in crime or illicitly converted to fire live ammunition. It is also interesting to note the presence of calibres such as 6 mm ‘à bille’ that are not considered firearms under French law, but whose presence in seizure data suggests they were used in criminal acts.

**Table 3: The 20 most common calibres among the firearms examined by police and gendarmerie forensic laboratories, 2014-2015**

Calibre	Number of firearms	Percentage
12 gauge	2,352	15.2
.22LR	1,540	9.9
4.5 mm ( <i>métal</i> )	811	5.2
9 mm alarm	643	4.2
9 x 19 mm	419	2.7
7.65 mm	362	2.3
16 gauge	317	2.1
Other 9 mm (e.g. Mauser, Winchester Magnum)	272	1.8
6 mm (‘à bille’ – airguns)	256	1.7
9 mm Annulaire Flobert	216	1.4
6.35 mm	184	1.2
7.65 mm Browning (.32 ACP)	180	1.2
.45 ACP	176	1.1
.357 Magnum	175	1.1
7.62 x 39 Kalashnikov (AK-47)	172	1.1
12/50 SAPL	165	1.1
8 mm Alarm	145	0.9
.38 Special	111	0.7
12 mm	99	0.6
14 mm	88	0.6

Source: SCAEMS<sup>104</sup>



**Table 4: The 20 most common makes among the firearms examined by police and gendarmerie forensic laboratories, 2014-2015**

Make	Number of firearms	Percentage
Beretta	284	1.8
Winchester	276	1.8
Browning	249	1.6
Baïkal	245	1.6
Smith & Wesson	220	1.4
Mauser	206	1.3
Manufrance	196	1.3
Remington	192	1.2
MAS	181	1.2
Bruni	178	1.2
CZ (Ceska/Ceskoslovenska Zbrojovka)	172	1.1
Verney-Carron	169	1.1
Kimar	164	1.1
Colt	152	1.0
Glock	139	0.9
Gamo	136	0.9
Walther	133	0.9
SAPL	132	0.9
Reck	121	0.8
Umarex	109	0.7

Source: SCAEMS<sup>105</sup>

Nationwide ballistics data provide further insights into the main calibres of firearms involved in or collected at the scenes of various crimes and offences.<sup>I</sup> The FNIB, created in early 2016, centralises ballistics information collected by the forensic laboratories of the Gendarmerie Nationale, Police Nationale and Police Judiciaire. As of 31 December 2016 the database included 16,576 ballistics entries<sup>106</sup> associated with

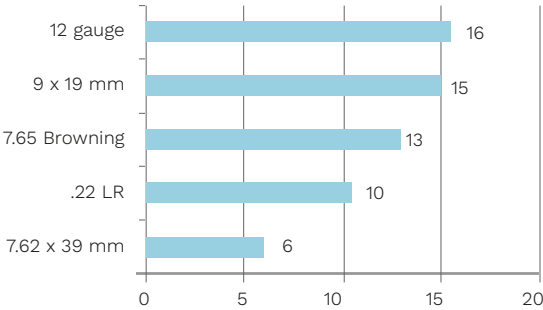
<sup>I</sup> This includes information on both:

- ‘retrieved firearms’, which are weapons that were found at crime scenes or during the subsequent investigations, and with which the laboratories perform ballistics testing; and
- ‘inferred firearms’, meaning weapons that were not recovered, but were nevertheless entered into a ballistics database on the basis of the unique marks they left on spent ammunition retrieved at the crime scene.

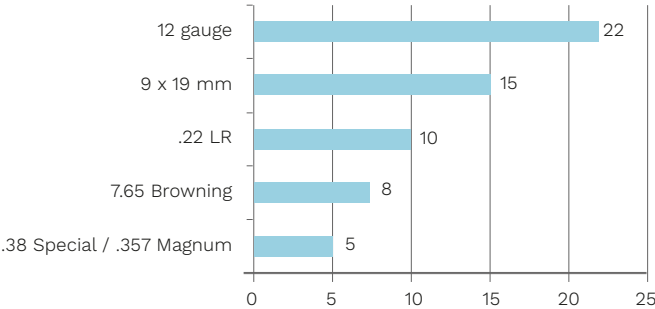
4,764 cases ('saisines'). Among these, 4,870 ballistics entries are associated with 1,451 cases that were opened in 2016. Sixty per cent of the 2016 cases relate to offences, 84% of which are categorised as 'ILA' (violations of the firearms legislation). The remaining 40% were associated with crimes, mainly acts of violence committed with a firearm (30%), homicides (25%) and attempted homicide (25%).<sup>107</sup> In 2016 the most commonly identified calibres in FNIB were 12 gauge, 9 x 19 mm, 7.65 Browning, .22LR, 7.62 x 39 mm, and .38 Special/.357 Magnum (Figure 5).

**Figure 5: The five calibres most commonly observed in the FNIB ballistics database in 2016 (%)**

Among both retrieved and inferred firearms<sup>I</sup>



Among retrieved firearms only<sup>II</sup>



Source: INPS<sup>108</sup>

- I For this bar graph cases were taken from the FNIB database and correspond to a unique firearm that was either retrieved and examined by the laboratories or not retrieved but uniquely identified (or inferred) through traces left on spent ammunition found at the crime scene (written communication with the INPS, 29 May 2017).
- II For this bar graph entries were taken from the FNIB database and correspond to a unique firearm that was retrieved either at the crime scene or subsequently as part of the investigation.

The Ministry of the Interior notes that while 12 gauge dominates the entire FNIB dataset, 9 x 19 mm is the most prominent calibre for cases of delinquency/criminality. Moreover, the proportion of FNIB cases involving 7.62 x 39 mm ammunition (for use with AK-pattern rifles) is increasing, and these entries relate primarily to cases of ILA (31%), homicides (19%) and terrorism (13%).<sup>109</sup> Also of note is the presence of seven entries for 5.56 x 45 mm weapons in the 2016 dataset. This is the calibre for newer-generation AK-74-pattern rifles, which were previously very rarely seen in France.<sup>110</sup>

### 2.2.3 Autopsy data

Autopsy data provided by the Institut Médico-Légal in Marseille concerning 105 cases of firearm homicides that occurred between 2011 and 2017 make it possible to determine the calibre of the crime guns used in 89 of these cases. 7.62 x 39 mm calibre weapons were involved in 28% of the cases, 9 x 19 mm also in 28%, shotgun ammunition in 23% (12, 16 and 36 gauge, or 12 mm), and revolver ammunition in 9%, with the remaining calibres comprising 7.62 x 25 mm, .32 ACP and .45 ACP.<sup>111</sup> Although these data are only representative of the Marseille region, they suggest that AK-pattern rifles, 9 mm handguns and shotguns are common firearm types used in homicides in this part of France.

## 2.3 Black market prices

Selected black market prices gleaned from media sources, key informant interviews and online trading platforms provide a sense of the prices of different types of weapons that can be accessed on illicit or informal markets (see Table 5). Overall, pricing data reveal lower prices for weapons belonging to categories that are legally accessible to the public, as well as converted, modified or reactivated firearms.

12-gauge shotguns, which constitute the primary category of weapons seized in France, are generally available for €300-1,000, depending on the type and model. On the other hand, 9 x 19 mm handguns, also common in seizures, are more costly, with reported prices ranging between €1,000 and €3,000. Of note is that converted replica handguns sell for much lower prices than regular models, mostly in the €300-550 range, representing an affordable alternative to lethal-purpose pistols and revolvers. On the other end of the scale, prohibited Category A 'weapons of war' such as automatic rifles and rocket launchers top the price list. While prices for AK-pattern rifles in the last five years tend to oscillate between €1,000 and €2,500, some sources point to a great disparity of prices according to the location, with some variants quoted as low as €300-500 in parts of Marseille or on online

platforms. Sub-machine guns also tend to be priced between €1,000 and €3,000, with a reactivated model selling for under €1,000. Other weapons of war, such as rocket launchers, are priced at several thousands euros.

**Table 5: Black market and online prices for selected firearms (in euros)**

Weapon (calibre)	Year	Black market prices in media and research sources	Black market prices estimated by key informants	Prices on online platforms <sup>112</sup>
<b>Automatic rifles</b>				
Arsenal SLR-106UR (5.56 x 45 mm)	2014			1,150 <sup>113</sup>
Unspecified AK-pattern (7.62 x 39 mm)	2002	150 <sup>114</sup>		
	2007	500 <sup>115</sup>		
	2009		1,000-3,000 <sup>116</sup>	
	2011	400-2,000 <sup>117</sup>		
	2012	1,000-2,000 <sup>118</sup>		
	2013	2,500 <sup>119</sup>		
	2015	250-3,000 <sup>120</sup>		
	2017		300 (e.g. Marseille), 1,500 (e.g. Lozère) <sup>121</sup>	
AMD 65 (7.62 x 39 mm)	2014			500-1,100 <sup>122</sup>
M70 AB2 (7.62 x 39 mm)	2017		2,000-2,500 <sup>123</sup>	
vz.58 (reactivated, 7.62 x 39 mm)	2014	600-800 <sup>124</sup>		
	2015		1,500 <sup>125</sup>	
<b>Sub-machine guns</b>				
Sten MK II (9 x 19 mm)	2014-2017			1,000-1,500 <sup>126</sup>
Uzi (9 x 19 mm)	2009	2,500 <sup>127</sup>		
vz.61 (7.65 mm Browning)	2009	2,500 <sup>128</sup>		
	2011	700 <sup>129</sup>		
	2013		3,000 <sup>130</sup>	

	2015		1,500 <sup>131</sup>	
	2014-2016			525-1,200 <sup>132</sup>
v z.26 (reactivated, 9 x 19 mm)	2016			850 <sup>133</sup>
<b>Shotguns (12 gauge)</b>				
Pump-action	2014			650-850 <sup>134</sup>
	2015			375-1,000 <sup>135</sup>
	2016			415-600 <sup>136</sup>
	2017			900 <sup>137</sup>
Self-loading	2014			700 <sup>138</sup>
	2016			300-650 <sup>139</sup>
	2017			520-700 <sup>140</sup>
Double barrel side-by-side	2016			320 <sup>141</sup>
	2017			230-350 <sup>142</sup>
Double barrel over-under	2017			340-500 <sup>143</sup>
Sawn-off	2016			500 <sup>144</sup>
<b>Handguns</b>				
Beretta (e.g. models 92FS, PX4, 9 x 19 mm Parabellum)	2014-2016			1,000-2,000 <sup>145</sup>
CZ 75 (9 x 19 mm Parabellum)	1996	1,200-1,700 <sup>146</sup>		
Glock (9 x 19 mm)	1996	1,850 <sup>147</sup>		
	2009	1,500 <sup>148</sup>		
	2014-2016			1,400-3,000 <sup>149</sup>
	2017		1,500 <sup>150</sup>	
Intratec Tec 22 (.22LR)	2015			900 <sup>151</sup>
Rohm RG5S (converted from 8 mm blank to 6.35 mm Browning)	2015			45 <sup>152</sup>
Bruni Gap and Mini-Gap (converted 9 mm PAK)	2015-2016			200-450 <sup>153</sup>
Atak Stalker (converted 9 mm PAK)	2016			350 <sup>154</sup>
Tanfoglio GT28 (converted from 8 mm blank to 6.35 mm Browning)	2016			300 <sup>155</sup>

Zoraki (models M906, M914, M925, converted from 9 mm PAK to fire modified, 6.35 mm or 7.65 mm Browning rounds)	2016-2017			200-550 <sup>156</sup>
Zoraki R1 (6 mm <u>Flobert</u> )	2016-2017			220-350 <sup>157</sup>
<b>Other weapons</b>				
Single-use anti-tank rocket launcher	2002	3,000 <sup>158</sup>		
M80 Zolja 64 mm anti-tank rocket launcher	2002	3,800 <sup>159</sup>		
RPG-7 (with one rocket)	2009	4,500 <sup>160</sup>		
Pen gun (converted, .22LR) <sup>161</sup>	2015-2016			150-200 <sup>162</sup>
Inserts to convert calibre 4 military flare pistols into smaller-calibre firearms	2011			60
	2017			70

It was only possible to gather limited time-series price data for this project gleaned from different sources. As a result, no solid conclusions can be drawn as to changes in the prices of specific weapons models over time. Additional research and the more systematic monitoring of the prices of both arms and ammunition have the potential to illuminate the relative accessibility of specific weapons over time and across regions, as has been done elsewhere.<sup>163</sup>

## 2.4 Sources of supply of and actors in the illicit gun market

The SCAEMS identifies three main categories of sources of illicit firearms in France: international trafficking from outside the EU, intra-European trafficking and domestic sourcing.<sup>164</sup> The main sub-components of these trafficking streams are reviewed below, together with specific cases to illustrate the actors involved.

## 2.4.1 International trafficking from outside the EU

### 'Ant trade' from (post-)conflict areas

The trafficking of 'weapons of war' from neighbouring regions, including from formerly conflict-affected countries in the Balkans such as Albania, Bosnia, Croatia (before 2013) and Serbia, is a trafficking route commonly cited in media sources, in academic reports<sup>165</sup> and by officials.<sup>166</sup> Weapons manufactured in the former Yugoslavia, such as the M70AB2 AK-pattern rifle, often feature in organised crime- and terrorism-related seizures (see section 3 of this chapter). However, they are often models produced before the conflicts of the Balkans of the 1990s, and as a result it can be difficult to determine whether they were smuggled into France recently or ten or 20 years ago. Interestingly, associated 7.62 x 39 mm ammunition observed by the authorities tends to be equally old.<sup>167</sup>

Officials speak of current trafficking from the Balkans as an 'ant trade': small transactions occurring 'on demand', often involving less than six firearms that are mainly transported by road (in private vehicles or on board buses) and that accumulate over time.<sup>168</sup> In a recent case tried in Marseille in 2013 two French legionnaires from the Aubagne regiment and with personal connections in the Balkans were found guilty of smuggling 14 Skorpion vz. 61 sub-machine guns, 24 magazines and ammunition from Croatia. They transported the weapons by car and intended to sell them in France for €3,000 per unit.<sup>169</sup> Beyond reports of such cases, it is difficult to assess the true extent and volume of trafficking from the Balkans.

Interestingly, officials also cited the risks posed by the ongoing conflicts in North Africa, the Sahel, the Middle East and Ukraine as potential sources of illicit firearms in the future, once these conflicts have abated and the weapons are no longer in demand.<sup>170</sup>

### Convertible Turkish-origin replica firearms

Replica firearms (e.g. blank-firing, alarm and trauma guns) can be used in their original state to perpetrate certain crimes; some can also be easily converted to fire live ammunition.<sup>171</sup> Turkish-origin replicas have been of particular concern in recent years. Out of the 72 seized blank-firing firearms examined by the gendarmerie's IRCGN between November 2015 and October 2016, most were of Turkish origin (57%), and primarily of the Zoraki and Ekol makes. In addition to their cheaper market prices, the gendarmerie notes that Turkish handguns' small size and weight, as well as their superior structural strength, make them particularly attractive to criminals.<sup>172</sup>

Some replica firearms are illicitly converted in France: an internal gendarmerie memo states that clandestine conversion workshops are regularly dismantled on the national territory.<sup>173</sup> Others are converted abroad in workshops run by local organised crime groups, notably in Albania, Kosovo and Macedonia. Once smuggled into France, they tend to be seized in the context of road checkpoints, drug seizure operations or online sales.<sup>174</sup>

Replica firearms can usually be sold in France without restrictions – sellers only need to ask for an ID to ensure that buyers are aged 18 or more, but they are not required to keep records of each buyer's identity.<sup>175</sup> In response to the ease with which specific models could be converted, a 2016 decree classified Turkish-origin blank-firing Zoraki R1 and Ekol Voltran Arda revolvers – as well as other models featuring similar characteristics – in Category B, making them subject to authorisation (see section 1.3). Other models of Turkish replicas, including fully automatic types, are not currently restricted, however. In addition, the Banc National d'Epreuve in Saint Etienne does not proof Turkish-origin blank-firing firearms, making their direct legal importation from Turkey to France difficult.<sup>176</sup> These weapons may nevertheless be imported by and proofed in other states with which France has proofing reciprocity agreements,<sup>177</sup> such as the Czech Republic,<sup>178</sup> before being lawfully transferred to France.

### Trafficking in components from the United States

A third international source of illicit firearms is the trafficking in firearm components from the United States. This includes trafficking in essential parts for the AR-15 rifle, such as upper and lower receivers.<sup>179</sup> In a case tried in Boston in 2015, for instance, a US citizen was indicted for exporting firearms components to other countries without the required licence or written authorisation from the State Department. The items he exported or attempted to export to France in March 2012 included four AR-15 lower receivers, four M16/AR-15 5.56 x 45 mm barrels and two M16/AR-15 flash suppressors. He organised the sales through Gunbroker.com, a popular auction website based in Atlanta that specialises in the sale of firearms, components and accessories.<sup>180</sup> According to French customs officials, barrels for Glock pistols are also trafficked from the United States to supplement other parts acquired in Europe.<sup>181</sup>



### 2.4.2 Intra-European trafficking

The intra-European trafficking of firearms is strongly connected to differences in legislation. Not surprisingly, intra-European sources of illicit firearms destined for France include neighbouring countries with looser firearms regulations,<sup>182</sup> such as Belgium and Switzerland. One Swiss case referred to by the police in Marseille involved a French national who trafficked some 400 handguns from 2012 onwards, which he smuggled in small numbers by visiting his supplier near Geneva twice a month. He was arrested in 2016 on drug-dealing charges, which revealed his firearms-smuggling operation.<sup>183</sup> Trafficking from Belgium has received prominent attention in the context of the 2015 terror attacks in France (see section 3). Interlocutors met further stressed the smuggling of sports-shooting ammunition, given the fewer restrictions in Belgium placed on the quantities of ammunition an individual can legally buy (in France, this may not exceed 2,000 rounds per year for each Category B firearm held, for instance).<sup>184</sup> A further source of illicit firearms is the trafficking in essential firearms components that are classified as restricted in France but easier to access in other European countries. Officials note, for instance, that it is possible to purchase the slide for a Glock pistol in Austria, its receiver in Luxembourg and the barrel in the United States. Firearms parts are typically shipped using regular mail and courier services, concealed in packages that contain old electronics material. Their lower weight makes them harder to detect.<sup>185</sup>

A key intra-European source of illicit firearms are weapons that were deactivated in other European countries and then reactivated illicitly before their transfer to or use in France. Reactivated weapons are of particular concern, because they include not only handguns, but also automatic rifles and sub-machine guns. Recent attention has focused on trafficking in so-called acoustic expansion weapons of Slovakian origin, and notably Arrow PS97 pistols, Vz.58 rifles and Vz.61 sub-machine guns. These firearms, many of which originated from surplus military stocks, were modified in Slovakia to function as blank-firing weapons and therefore sold without restrictions, including on Slovakian gun retailers' websites. The ease with which they could be reconverted to fire live ammunition led to the trafficking of hundreds – and possibly thousands – of these weapons in Europe,<sup>186</sup> as well their use in recent terrorism cases in France (see section 3). Intelligence sources state that AFG Security – one of the Slovakian companies that sold such firearms online – sent more than 4,000 packages to 24 EU member states between January 2013 and November 2014, including more than 740 to France. These figures are difficult to interpret, however, because it is possible that some packages only contained accessories, while others may have included several firearms.<sup>187</sup>

In the last decade traffickers have exploited similar gaps in deactivation standards in several other European countries. From 2008, for instance, easily convertible Walther and Norinco pistols were being sourced in Austria at a gun shop.<sup>188</sup> According to police sources, the company bought as many as 2,900 firearms – primarily from Czech surplus stocks – including some 300 automatic weapons. While the retailer sold these weapons as deactivated ones, in reality the deactivation measures were either insufficient or even non-existent.<sup>189</sup> The first high-profile case involving such a weapon was the use of a reactivated Walther P22 pistol in the murder of a Swedish student outside Paris in April 2008.<sup>190</sup>

While the countries cited above have taken measures to address the issue, and in spite of the entry into force of a new EU regulation on deactivation, officials noted that reactivated acoustic expansion weapons of Slovakian origin were still entering French territory.<sup>191</sup> The IRCGN and SCAEMS also expressed concern over the recent appearance of firearms that are modified to fire 6 mm Flobert ammunition – notably in Slovakia – and which may be easily reactivated.<sup>192</sup> Converting weapons to this unregulated calibre means that they can be sold without restriction – a loophole that traffickers could potentially exploit.

### 2.4.3 Domestic sources

While much attention is commonly paid to foreign sources of firearms, it is clear that a significant share of illicit arms in France are procured nationally. Prohibited Category A firearms, including AK-pattern rifles, that currently circulate in France were not all necessarily trafficked recently from abroad. Instead, in Marseille some have been held and used for years by various individuals linked to the same gang.<sup>193</sup> Analysts have noted an upsurge in the use and pooling of local firearms arsenals rather than a constant growth in their numbers.<sup>194</sup> Ballistics data for 2016 tend to support this assessment: when a single firearm is found to be used in two separate criminal cases, the average distance between the crime scenes is only 7 km, and the average time that elapsed between the two cases is less than one year (274 days on average).<sup>195</sup>

The three main domestic sources for the firearms that ended up on the black market in France are theft, the conversion of replica and deactivated firearms, and online sales.

## Theft

Gun theft from legal owners probably represents the most significant domestic source of illicit firearms in France, with 10,572 weapons reported stolen in 2015 alone (Figure 4). Among them, almost three-quarters (7,800) were stolen from individual gun owners and gun shops.<sup>196</sup> Statistics show that the majority of stolen weapons belong to categories D and C, indicating a large proportion of thefts of hunting rifles and shotguns. Gun thefts are not limited to hunting weapons, however: more than 1,000 Category B weapons, which include semi-automatic handguns and higher capacity rifles, were reported stolen in 2015 (Figure 4).

Gun-theft statistics need to be treated with caution, however. Indeed, officials note that there have been cases of ‘embezzlement’ whereby legitimate firearm owners decide to declare certain weapons as lost in order to keep them illicitly, especially following the adoption of new regulations aimed at reclassifying and ‘over-restricting’ certain models.<sup>197</sup> Quantifying the extent of this practice is difficult, but it appears to also exist in other European countries such as Belgium (see section 2.3.5 in the chapter on Belgium).

Reports of thefts from legal gun retailers are relatively frequent. In February 2017, for instance, a 15- and 17-year-old used a stolen pick-up vehicle to break into a gun shop in Arandon-Passins, a town in Isère, and stole more than forty hunting shotguns and rifles and ammunition.<sup>198</sup> Officials further noted that thefts can occur at arms fairs.<sup>199</sup> Associations of hunters, sports shooters, and First and Second World War memorial and municipal associations organise more than 300 arms fairs in France annually. According to the gendarmerie, there are frequent reports of local criminals stealing some of the firearms on display at such events, while some sellers have been caught displaying prohibited Category A firearms, including magazines and grenades.<sup>200</sup> Recent cases have also highlighted cases of theft and the improper storage of firearms held by movie companies, which have included AK-74 rifles, PPSH41 sub-machine guns, Famas rifles and pistols.<sup>201</sup>

Individual gun owners with sizeable collections represent another possible source of high-calibre firearms for criminal groups. In June 2011, for instance, near Toulouse, well-informed thieves stole two crates from a professional sports shooter, one containing more than 80 kg of firearms, the other filled with ammunition. Among the stolen goods was the Colt .45 pistol that Mohamed Merah used during the 2012 attacks in Toulouse and Montauban (see section 3).<sup>202</sup> The sometimes excessive and illegal arsenals accumulated by so-called ‘compulsive collectors’ also represent valuable loot for gun thieves. Many official press releases and media reports relate cases of seizures of caches of several dozens of weapons – including

prohibited items such as rocket launchers and mortars – stashed in the homes of individuals presenting themselves as avid collectors or sports shooters.<sup>203</sup>

Lastly, media reports show that criminals also target the security forces to steal their weapons. For instance, on 2 February 2017 two assault rifles and ammunition were stolen from an unmarked military vehicle in Isère. The small truck, part of a convoy of several military vehicles, was parked at a restaurant while the drivers were having lunch inside.<sup>204</sup> In another case in Essonne a gendarme was found to loan service weapons to local armed robbers, replacing them in his unit's armoury after use.<sup>205</sup> In the absence of nationwide statistics, the scale of such diversion from the national stockpile is difficult to assess, however.

### Conversion of replica and deactivated firearms

Sizeable reactivation workshops have been discovered on French territory. In June 2007, for instance, such a workshop run by three men aged 20, 30 and 50 and that reactivated and sold 15-20 Eastern European weapons per week was dismantled in the Hauts-de-Seine.<sup>206</sup> In October 2014 the 49-year-old owner of a firearms business was found guilty of reactivating firearms and selling them to individuals linked to Corsican organised crime, including AK-pattern rifles and a Skorpion sub-machine gun.<sup>207</sup> In another case, a Marseille-based retiree was sentenced to four years in jail in 2014 for purchasing 132 deactivated handguns – including 75 Glock pistols – from a shop in Barcelona, Spain, over several years. He reactivated the guns at home by simply replacing the barrels with others purchased online from the United States and sold them to individuals linked to criminal circles. Several of these reactivated firearms were subsequently used in murder cases.<sup>208</sup>

The Banc National d'Épreuve in Saint Etienne is the only institution authorised to deactivate firearms in France, and already implements the new European deactivation regulation. While it deactivates thousands of firearms per year (including 3,046 in 2016), the authorities seize very few – in the range of 60-80 per year – in reactivated form.<sup>209</sup> A recent case nevertheless illustrates how ingenious individuals can reactivate firearms at home – even weapons that were deactivated according to reputedly stringent standards. On 25 April 2013 a 19-year-old man shot three people dead in Istres using a Romanian AIM AK-pattern-rifle that had been deactivated in Germany – a country known for its high deactivation standards. The investigation revealed that the perpetrator had purchased the rifle for €267 through a German website in 2012,<sup>210</sup> and that he reactivated the rifle himself using a hydraulic press and instructions he found on specialised online forums.<sup>211</sup> He used ammunition he reloaded himself using old East German primed steel cases that he purchased from another German website.

## Internet

Online sales of firearms are legal in France when the gun is an antique weapon (which can be traded without restriction)<sup>212</sup> or when the seller is a registered retailer.<sup>213</sup> Online sales of Category B firearms between individuals are strictly prohibited, as such purchases must be made in the presence of a law enforcement official who must keep a record of the transaction and check that both buyer and seller have all the required documents.<sup>214</sup> Individuals can sell Category C and D1 firearms online, however. In such cases they are themselves responsible for ensuring that they have the proper documentation and must subsequently inform the authorities of the transaction.<sup>215</sup>

Several cases mentioned above have shed light on the use of the internet for selling and buying firearms, including restricted models and components. Research for this report has revealed the presence of numerous posts offering such firearms for sale – many without adequate reference to the relevant regulatory requirements – on several open trading platforms (see Table 5). A range of deactivated firearms (including Vz.58 rifles, CETME 7.62 x 51 mm rifles and Vz.61 sub-machine guns), replica firearms (some converted) and tools for modifying firearms are also found on display. For instance, one post dated July 2016 offered a reactivated blank-firing Sa. vz.26 sub-machine gun for €850.<sup>216</sup>

Customs and gendarmerie experts state that they closely monitor these platforms to identify suspicious individuals and build up files on the main protagonists. Generally speaking, the authorities claimed to be satisfied with the cooperation they received from the companies running these websites. Customs and the gendarmerie also monitor the dark web. While it is potentially an increasing source of illicit firearms, officials currently consider the dark web to be mainly a space where contacts for acquiring firearms can be found, and where technical knowledge and advice are shared, for instance for modifying or converting firearms.<sup>217</sup>

### 2.4.4 France as a transit country for trafficking to other destinations

While France is mainly a destination country for trafficked weapons, some weapons and ammunition are also smuggled from or transit through the country to other destinations, mainly the United Kingdom (UK). This includes, for instance, the regular shipping or smuggling of small quantities (a few dozen at a time) of Category B ammunition across the Channel, where handgun ammunition in particular is tightly regulated.<sup>218</sup>

A prominent case of illicit firearms transiting through France is the August 2015 seizure of 22 Czech-made vz.58 automatic rifles, nine vz.61 sub-machine guns, 58 magazines, more than 1,000 rounds of ammunition, and two silencers near Kent in the UK. The seized weapons had been sold in the previous year as acoustic expansion weapons in Slovakia, converted back to live-firing firearms, and transported overland from Eastern Europe to Boulogne-sur-Mer, France, where they were then transported by ship to the UK (for more details, see section 2.3.4 of the chapter on the UK).<sup>219</sup>

In addition, the gendarmerie highlighted the smuggling since 2012 of sub-machine guns from Croatia to the UK, transiting through Slovenia, Austria, Germany, Belgium, the Netherlands and France. Marked with the name of a seemingly fictitious company, 'R9-ARMS CORP USA', it appears that the weapons were produced illicitly in Croatia. In early 2015 Croatian authorities arrested two truck drivers who worked for a Croatian transport company in the possession of bags containing 14 of these 9 x 19 mm pistols; they were scheduled to drive a refrigerated truck to deliver cosmetics in the UK. In France, these weapons were seized in the context of two judicial cases in 2015.<sup>220</sup>

### 3. Access by terrorists to firearms on the illegal market in France

Under the French Penal Code, acts of terrorism refer to cases of breaches of the law – including killings, kidnappings, hijackings, providing support to combat groups, weapons-related offences and money laundering – that are undertaken with the purpose of disrupting public order through intimidation or terror.<sup>221</sup> Within this broad definition, terrorism has taken a number of different forms and inflicted a heavy toll in France in the last 25 years. Not all terror events in France have involved the use of firearms,<sup>1</sup> yet firearms have nevertheless been a recurring tool used by a variety of perpetrators of acts that aimed at causing maximal civilian casualties or disrupting symbols of the French state. Some were claimed by foreign jihadi armed groups, or linked to Corsican nationalist or Basque separatist organisations. Others were perpetrated by social outcasts, some of whom adhered to left-wing ideologies. A non-exhaustive list of terrorist attacks with firearms since the 1990s can be found in Box 2.

<sup>1</sup> The terrorist incidents that did not involve firearms were not necessarily less deadly. In 1995 a wave of bombings was attributed to the Groupe Islamiste Armé in retaliation for French support of the Algerian government. The 25 July 1995 attack involved the detonation of a makeshift bomb that killed eight people and injured 117 at the Saint Michel RER train station in Paris. See, for example, 'Retour sur 35 ans d'attentats en France', *Libération*, 15 July 2016 and 'Charlie, Bataclan, Nice ... et maintenant une église: le (très) lourd bilan du terrorisme en France', *Capital*, 15 July 2016.

### Box 2: High-profile terrorist attacks with firearms in France in the past 25 years

In Paris on 4 October 1994 two anarchist activists, Florence Rey and Audry Maupin, killed three police officers and a taxi driver using pump-action shotguns, one of which they bought in a department store. The attackers initially targeted the armed guards of a car pound in order to steal their revolvers, which they intended to use to carry out bank robberies to fund their activities. In the car chase that followed they killed the driver of the taxi they had car-jacked and three police officers.<sup>222</sup>

In Ajaccio on 4 February 1998 Yvan Colonna, a member of the Front de Libération Nationale Corse (FLNC), killed the local *préfet*, Claude Erignac, using an MAS G1 pistol that had been previously stolen during an attack on a gendarmerie station. The victim was shot in the back at close range.<sup>223</sup>

In Nanterre on 26 March 2002 Richard Durn, a 33-year-old who lived off social benefits at his mother's house, opened fire during a city council meeting, killing eight and injuring 19 councillors. He used a Glock pistol and a Smith & Wesson revolver that he had bought legally, but for which the licences had expired.<sup>224</sup>

In Cap-Breton on 1 December 2007 Mikel Carrera Sarobe, a member of the Basque separatist group Euskadi Ta Askatasuna (ETA), killed two undercover Spanish Guardia Civil officers in their car after encountering them 'by chance' in a restaurant. He used a Smith & Wesson MP9 pistol that had been reported stolen from a firearms import company together with some 400 other handguns.<sup>225</sup>

In a series of shootings that took place in the period 11-19 March 2012 Mohamed Merah killed three French soldiers in Toulouse and Montauban, as well as three students and a teacher at a Jewish school in Toulouse.<sup>226</sup> Among the firearms used by the shooter was a Colt .45 pistol that had been reported stolen the previous year from a professional sports shooter's home.<sup>227</sup>

On 15 November 2013 a man armed with a shotgun entered the hall of news channel BFM-TV and threatened its staff. Three days later the same individual burst into the office of the *Libération* newspaper and shot and injured an assistant photographer, before firing random shots in the La Défense district and hijacking a vehicle.<sup>228</sup> While the crime weapon was never found, video

recordings of the incident show a pump-action shotgun, with the buttstock either sawn off or replaced by a pistol grip. Two spent 12-gauge ammunition cases were retrieved by the police, with ballistics marks matching those of a Winchester Defender shotgun.<sup>229</sup> The shooter, born in 1965, had previously been involved in the 1994 Rey and Maupin case (see above), helping the perpetrators to acquire one of their shotguns.<sup>230</sup>

Between 7 and 9 January 2015 several connected terrorist shooting incidents took place in and around Paris, resulting in 17 deaths. The brothers Saïd and Chérif Kouachi, armed with East European automatic rifles, killed 11 people at the French satirical magazine *Charlie Hebdo* editorial office, as well as a police officer. During the search for the Kouachi brothers, Ahméd Coulibaly, armed with vz.58 automatic rifles and Tokarev 33TT pistols, entered a Jewish Hypercacher supermarket at the Porte de Vincennes, shot four people dead and held hostage more than 20 people for several hours. Coulibaly had previously shot a young female police officer dead and wounded another person in the street in Montrouge.<sup>231</sup>

On 13 November 2015 terrorist attacks resulted in 130 people being killed and more than 400 wounded in Paris. Ten perpetrators divided into three teams coordinated attacks targeting the Stade de France, busy restaurant terraces in the 10th and 11th *arrondissements*, and the Bataclan theatre. While the suicide bombings at the Stade de France were largely unsuccessful, the two other teams used automatic rifles and claimed all but one victim. Several of the perpetrators had fought in Syria and/or Iraq; they were also later found to have ties with the perpetrators of the March 2016 attacks on Brussels Airport and metro in Belgium, which resulted in 32 deaths (see the chapter on Belgium).<sup>232</sup>

Since 2015, and the deadly assaults carried out in that year under the banner of radical Islam, terrorism has taken on a new dimension in France and become primarily associated with religiously motivated mass killings. France is by far the Western European country most affected by the recent wave of jihadi terrorism: from 2013 to 2016 it was the target of ten such terrorist attacks (out of 24 for all of Western Europe), four failed attacks (out of six), and 28 plots (out of 64).<sup>233</sup> A total of 147 people were killed and hundreds injured in the context of the 7-9 January and 13 November 2015 Paris incidents,<sup>234</sup> which were claimed by foreign terrorist groups al-Qaeda and the so-called Islamic State. Firearms – primarily automatic AK-pattern assault rifles and handguns acquired from intra-European criminal sources



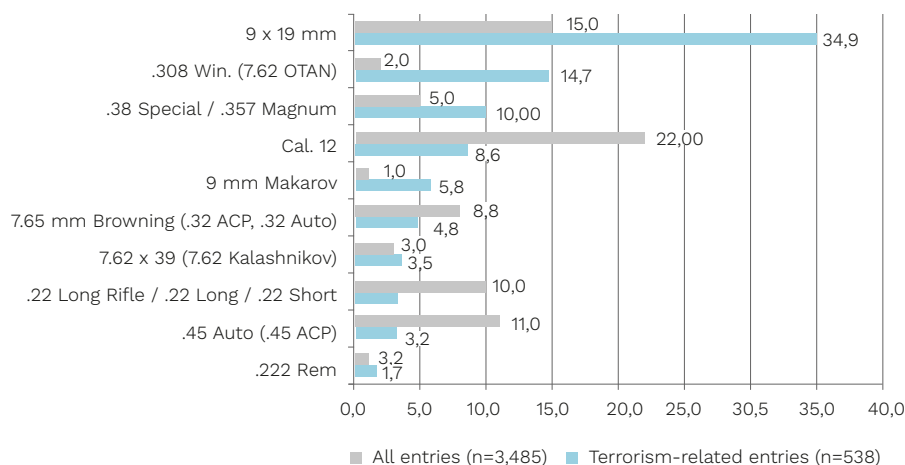
– caused the vast majority of these casualties.<sup>235</sup> In the aftermath of these attacks acts of right-wing terrorism targeting Muslim targets increased, including some involving the use of firearms. Although no fatalities were recorded, shots were fired at six mosques in various French localities following the January 2015 attacks, for instance.<sup>236</sup>

Recent events have underscored the devastating effects of terrorist attackers wielding fully automatic AK-pattern rifles in crowded venues. Yet as the listed events in Box 2 illustrate, attackers have also relied on handguns and shotguns in a number of high-profile incidents, suggesting access to a more diverse arsenal than typically portrayed.

Ballistics data from the national FNIB database contain information on the calibre of firearms and ammunition observed by French forensic laboratories in the context of terrorism-related cases. These may be firearms or ammunition used in actual attacks, or seized from the caches of armed organisations and during arrests of their members. As such, the data are potentially illustrative of the wider range of firearms used in terrorist activities and are not limited to high-profile events. While most recent terrorism-related ballistics evidence collected nationally is entered into the FNIB, it currently remains in its infancy and its scope is so far mainly limited to cases that occurred in 2015 and 2016.<sup>237</sup>

These caveats in mind, 2016 FNIB data provide a diverse picture of the main calibres linked with terrorism (538 database entries in total). Particularly striking is the fact that 9 x 19 mm and especially 7.62 x 51 mm ammunition comprise the highest proportion of entries (Figure 6). According to officials, this is explained by the seizure of a large ETA arms cache containing 7.62 x 51 mm CETME assault rifles, 9 x 19 mm MAT 49 and Sten sub-machine guns, and GP35 pistols.<sup>238</sup> Other prominent calibres for terrorism-related entries include .357 Magnum, 12 gauge and 9 mm Makarov. Interestingly, 7.62 x 39 mm ammunition – for AK-pattern rifles – is only the seventh most prominent calibre among the 2016 terrorism-related entries. Also of note are the significantly smaller proportions occupied by 12 gauge and .22LR in the terrorism dataset compared with the full dataset.

**Figure 6: The ten calibres most commonly observed by French ballistics laboratories in 2016, in percentages for all entries and terrorism-related entries (retrieved firearms only)**



Source: INPS<sup>239</sup>

Although the FNIB dataset remains in its infancy, it illustrates the wide-ranging diversity of calibres linked to terrorist activity as it is defined in France. Furthermore, terrorism-related calibres differ only partially from those used in other crimes and offences, suggesting that at least in some cases terrorist actors rely on firearms and ammunition that are locally available. Unfortunately, it was not possible for this study to disaggregate the FNIB data by type of terrorist actor, a task that would further illuminate these findings, but it would require time, resources and official clearance to retrieve this information from the associated judicial files.

Because investigations into most of the recent jihadi terrorism cases are still ongoing, interviewed French officials were not able to provide detailed information on the proximate sources of firearms used to arm these attackers.<sup>240</sup> A number of pieces of the puzzle have nevertheless emerged from open-source investigative media reporting. Because they have been ably summarised elsewhere,<sup>241</sup> they are only succinctly reviewed here. The following paragraphs use open-source information and previously unpublished official data on the specific models of firearms used in a number of jihadi terrorist attacks and the status of tracing efforts, and on the firearms that have been seized from Basque separatist and Corsican nationalist networks. The final part of this section will draw some general conclusions on the extent of linkages between organised crime and terrorist acquisition of firearms.

### 3.1 Firearms and recent jihadi terrorist attacks

Open-source information on recent terror attacks in France demonstrates links between jihadi terrorism and organised crime. According to media reports, Mohamed Merah, the perpetrator of the 2012 attacks in Toulouse and Montauban, was previously involved as a 'go-fast' driver with an organised criminal group smuggling cocaine between Spain and France.<sup>242</sup> These connections likely helped him to acquire the .45 Colt pistol he used in the 2012 attack. This claim is supported by the observation that the pistol was part of two crates of arms and ammunition that were stolen from a professional sports shooter in 2011,<sup>243</sup> and other weapons from these stolen crates were also retrieved during the arrest of other Toulouse-based drug traffickers.<sup>244</sup> Yet how Merah procured the other six firearms at his disposal remained unknown at the time of research (see Table 6).

More recently, investigative reporting revealed that the weapons used by Ahméd Coulibaly in Paris in January 2015 were reactivated firearms from Slovakia. The two vz.58 rifles, reportedly produced in the 1960s, and six Tokarev pistols, manufactured in the 1940s and 1950s, had been modified as acoustic expansion weapons by Slovakian companies such as KolArms between 2013 and 2014. They were then sold without restrictions as blank-firing firearms in the Slovakian gun shop AFG Security on the simple presentation of an ID card. A Belgian national is reported to have bought one of the rifles subsequently used by Coulibaly, as part of 170 weapons he purchased from AFG Security between 2013 and 2014. Although he denied supplying Coulibaly directly, in May 2014 Belgian police had found materiel in his house that could be used to reconvert such firearms to fire live ammunition.<sup>245</sup> The other vz.58 rifle and two of the pistols were bought in 2014 by Claude Hermant, a right-wing French national who lived in Belgium and owned a survival shop in Lille in northern France. He was reportedly also an informer for the gendarmerie, and played a role in an undercover investigation into illicit arms trafficking.<sup>246</sup> He imported dozens of deactivated firearms from AFG Security before reconverting them into lethal-purpose weapons and reselling them to local criminal circles, although he denied selling the weapons directly to Coulibaly.<sup>247</sup> Another Frenchman from Pas de Calais, who had previously worked for Hermant, as well as two Montenegrin and Serbian nationals, were arrested in April 2016 in Malaga, Spain. The French national was identified by Spanish police as the person responsible for the network that provided firearms to Coulibaly. All these suspects have denied providing weapons directly to Coulibaly, however.<sup>248</sup>

Some information has also surfaced regarding the firearms used in the Bataclan attacks of November 2015. The Zastava M70 rifle was produced in Kragujevac, former Yugoslavia, and delivered in May 1981 to Bosnian self-defence forces that

subsequently became the regular Bosnian Army. The Type 66-1 assault rifle was of Chinese origin, but was produced under licence in Albania and formed part of that country's national stockpile. The third AK-pattern rifle was manufactured in Bulgaria in 1985. While little is known about when and how these rifles were smuggled to Western Europe, Belgian courts suspect the El Bakraoui brothers, two of the March 2016 suicide bombers at Brussels Airport, were involved in supplying the firearms to the November 2015 Paris attackers, several of whom were Belgian nationals or lived in Belgium (see the chapter on Belgium).<sup>249</sup>

A more recent case highlighted the possibility of suspected terrorists using legally owned firearms. On 19 June 2017 Adam Lofti Djaziri attempted to attack a police convoy on the Champs Élysées in Paris. His car immediately burst into flames and he died a couple of minutes later, inflicting no victims among the police. A search of his car revealed the presence of a gas cylinder, 9,000 rounds of ammunition and a – reportedly Israeli – assault rifle.<sup>250</sup> While searching his house, the police also found a Glock and a SIG Sauer pistol, a carbine, and seven Category C firearms.<sup>251</sup> Although Djaziri featured on France's terrorist suspect watch list – '*fichier S*' – he held the appropriate authorisation for the two Category B pistols and the shooting licence required for the Category C weapons. It appears that this situation was not due to administrative oversight; rather, Prime Minister Edouard Philippe stated that when Djaziri requested the renewal of his shooting licence in late 2016, the Direction Générale de la Sécurité Intérieure (France's internal intelligence service) was informed, but opted to grant the request in order not to arouse Djaziri's suspicion that he was being monitored.<sup>252</sup> Nevertheless, President Emmanuel Macron called for a thorough review of such procedures after the incident.<sup>253</sup>

For this study, French officials contributed data on the specific models of firearms used or seized in connection with several attacks and attempted recent attacks, providing the most comprehensive official and publicly available account to date of the arsenals at the disposal of jihadi terrorists in France. The data are useful for generating a typology of the weapons types and models used by jihadi terrorist groups, as well as for illustrating the challenges involved in tracing these firearms. Table 6 summarises data provided by the Interior Ministry's SCAEMS on 52 firearms retrieved or seized in relation to eight terrorism cases that occurred between 2012 and 2016. Not included in Table 6 are the three AK-pattern rifles (one Chinese Type 56-1, one Bulgarian AKKS and one Serbian M70 AB1)<sup>254</sup> used by attackers during the 13 November 2015 attack at the Bataclan theatre in Paris, which resulted in 89 deaths; AK-pattern rifles were also used during the coordinated attacks on restaurants and terraces in Paris on the same day, but no further details were available at the time of research.<sup>255</sup>

**Table 6: Firearms seized in recent attacks inspired by radical Islamist ideologies**

Make, model and country of manufacture	Calibre	Legal category <sup>256</sup>	Specific information	Tracing requests
<b>Mohamed Merah (Toulouse and Montauban attacks, 11-19 March 2012)</b>				
Franchi Spas 12 shotgun, Italy	12 gauge	B-2°		Yes, unsatisfactory results
ROF Sten MK II sub-machine gun, UK	9 x 19 mm	A-2-1°		Yes, unsatisfactory results
Micro-UZI sub-machine gun, Israel	9 x 19 mm	A-2-1°	Altered serial number	
Colt Python revolver, United States	.357 Magnum	B-1°		Yes, unsatisfactory results
Remington 1911 A1 pistol, United States	.45 ACP	B-1°		Yes, unsatisfactory results
Remington 1911 A1 pistol, United States	.45 ACP	B-1°	Firearm assembled from parts of several other weapons	Yes, firearm reported stolen
LLama Max-II pistol, Spain	.45 ACP	B-1°	Reactivated – had been deactivated in Spain	Yes, unsatisfactory results
<b>Mehdi Nemmouche (attack on Jewish Museum, Brussels, 24 May 2014; arrested in Marseille on 30 May 2014)</b>				
Zastava M70 automatic rifle, Serbia	7.62 x 39 mm	A-2-1°		Yes, unsatisfactory results
LLama Scorpio revolver, Spain	.38 Special	B-1°	Altered serial number	Yes, unsatisfactory results
<b>Saïd and Chérif Kouachi (Charlie Hebdo attack, Paris, 7-9 January 2015)</b>				
Two Zastava M70 automatic rifle, Serbia <sup>257</sup>	7.62 x 39 mm	A-2-1°		Yes, unsatisfactory results
Two Zastava M57 pistols, Serbia	7.62 Tokarev	B-1°		Yes, unsatisfactory results
RBR M80 rocket launcher, Serbia	64 mm rockets	A-2-4°		Yes, unsatisfactory results (traceable only by lot number)

**Ahméd Coulibaly (Fontenay-aux-Roses, Montrouge and Hypercacher attacks in Paris, 7-9 January 2015)**

vz.58 Compact automatic rifle, Czech Republic	7.62 x 39 mm	A-2-1°	Reactivated acoustic expansion weapon from Slovakia	Yes, sold by AFG Security in Slovakia
vz.58 Sub-compact automatic rifle, Czech Republic	7.62 x 39 mm	A-2-1°	Reactivated acoustic expansion weapon from Slovakia	Yes, sold by AFG Security in Slovakia
Six Tokarev TT33 pistols, Soviet Union	7.62 Tokarev	B-1°	Reactivated acoustic expansion weapon from Slovakia	Yes, three were sold by AFG Security in Slovakia, three were deactivated by KolArms in Slovakia
Tula Nagant 1932 revolver, Soviet Union	7.62 Nagant	B-1°	No deactivation mark from KolArms	Yes, unsatisfactory results

**Sid Ahmed Ghلام (alleged 19 April 2015 murder of Aurélie Châtelain and planning of attack on a church in Villejuif)**

Four Zastava M70 automatic rifles, Serbia	7.62 x 39 mm	A-2-1°		
Sphinx AT 2000 pistol, Switzerland	9 x 19 mm	B-1°		Yes, firearm reported stolen
SIG Pro 2022 pistol, Germany	9 x 19 mm	B-1°		Yes, firearm reported stolen

**Ayoub El Khazzani (Thalys train attack, 21 August 2015)**

Mpi km-K automatic rifle, former East Germany	7.62 x 39 mm	A-2-1°	Firearm assembled from parts of several other weapons <sup>258</sup>	Yes
Luger FEG M80 pistol, Hungary	9 x 19 mm	B-1°	Erased serial number <sup>259</sup>	Impossible
Four Zastava M70 automatic rifles, Serbia	7.62 x 39 mm	A-2-1°		One unknown firearm, three unsatisfactory results

Kazanlak AKS 47 automatic rifle, Bulgaria	7.62 x 39 mm	A-2-1°		Yes, unsatisfactory results
Norinco Type 56-1 automatic rifle, China	7.62 x 39 mm	A-2-1°		Yes, unsatisfactory results
Browning GP35 pistol, Belgium	9 x 19 mm	B-1°	Altered serial number	Impossible
<b>Reda Kriket (arrested on 24 March 2016 in Boulogne Billancourt for allegedly planning an attack during Euro 2016)</b>				
Five AK-pattern automatic rifles	7.62 x 39 mm	A-2-1°		
ZAGI-M91 sub-machine gun, Croatia	9 x 19 mm	A-2-1°		
SIG Pro 2022 pistol, Germany	9 x 19 mm	B-1°		Yes, reported stolen in Belgium
Glock 19 pistol, Austria	9 x 19 mm	B-1°		Yes, reported stolen in Belgium
Remington 1911 pistol, United States	.45 ACP	B-1°		
Colt 1911 A1 pistol, United States	.45 ACP	B-1°		
MAB pistol, France		B-1°		
Walter P99 pistol, Germany	9 x 19 mm	B-1°		
Smith & Wesson Model 29 revolver, United States	.44 Magnum	B-1°		
<b>Mohammed Laouej Bouhlel (Nice attack, 14 July 2016)</b>				
Unique pistol, France	7.65 Browning	B-1°		Yes, firearm reported stolen

Source: SCAEMS<sup>260</sup>

The data in Table 6 indicate that semi-automatic handguns of various calibres (legal Category B) represent 50% of the weapons, compared with 40% for automatic rifles (mainly 7.62 x 39 mm AK-pattern rifles). Sub-machine guns represent only 6% of the sample, with the remainder comprising a pump-action shotgun and a rocket launcher. The fact that handguns are more prominent – even if slightly – in this

dataset than fully automatic weapons is noteworthy, and somewhat contradicts common perceptions of terrorist arsenals being composed primarily of AK-pattern rifles. Semi-automatic handguns were actually used to a greater extent than fully automatic weapons in several of the associated attacks, including those in Toulouse, Montauban and Villejuif.<sup>261</sup> Despite this observation, it is clear that fully automatic rifles were widely used, including in the most deadly attacks. In fact, 7.62 x 39 mm (the calibre for AK-pattern rifles) is the most common calibre in Table 6 (40%), followed by 9 x 19 mm (19%), 7.62 x 25 mm Tokarev (15%) and .45 ACP (10%).

Officials stress the difficulty of tracing the firearms used in these attacks.<sup>262</sup> As noted in Table 6, while tracing efforts were made in most cases, those that generated the most useful results involved pistols that were reported stolen in France (four cases) and Belgium (two cases), as well as the two reactivated 7.62 x 39 mm vz.58 rifles and six reactivated Tokarev pistols that were sold as blank-firing firearms in Slovakia. In the majority of cases, however, tracing requests yielded only unsatisfactory results. This is true for a number of handguns and automatic rifles, and particularly so for older weapons produced in the Balkans before the conflicts of the 1990s. Producers provided information on the last known legal end user of the firearms, generally former armed forces of the Yugoslav Republic in the early 1990s. In those cases, tracing was of little use in determining how and when these weapons ended up in France, because too many parts of a potentially long chain of custody are missing.<sup>263</sup> A similar observation can be made regarding the tracing of the ammunition that was found. Markings on 7.62 x 39 mm cartridge cases retrieved at the scene of the Bataclan and Thalys attacks reveal the use of old ammunition manufactured before the mid-1990s primarily in East and South East European countries, including Bosnia and Herzegovina (between 1974 and 1991), Bulgaria (in 1967 and 1988) and Czechoslovakia (in 1991), as well as in Iran (in 1992 and 1993) and China (in 1963 and 1964).<sup>264</sup>

### 3.2 Firearms and Basque separatism

While Basque separatist group ETA carried out most of its violent attacks in Spain,<sup>265</sup> the 2007 killing of two Guardia Civil officers in Cap Breton served as a reminder of its clandestine armed activities in France.<sup>266</sup> The group declared the end of its armed struggle in 2011 and began disarming in 2016. In April 2017 it surrendered eight arms caches containing 3.5 tonnes of arms, ammunition and other materiel to the French authorities.<sup>267</sup> Consequently, the number of investigations opened in France related to ETA decreased from 159 in 2007 to 26 in 2013.<sup>268</sup> While ETA no longer represents a significant armed threat,<sup>269</sup> its past arms procurement patterns are an interesting illustration of the ways in which a group – which featured on the EU's



list of terrorist organisations until 2009 – was able to acquire and maintain an arsenal in south-western France.

ETA favoured local sources of firearms supplies, and initially relied to a great extent on weapons it looted from the stocks of regular security forces (including Spanish service handguns such as the Astra pistol).<sup>270</sup> ETA engineers also produced home-made sub-machine guns in the 1980s and 1990s that were inspired by the Israeli Uzi.<sup>271</sup> Even though these weapons were known for their high failure rate, the group appears to have manufactured several hundred units.<sup>272</sup> These weapons usually had ‘ETA’ marked on the right side of the receiver, as well as ‘RTS’ or ‘ARS’ fire selector markings.

Firearms held by the group in the last ten years involved mainly those stolen in 2006 from a local firearms retailer. On 24 October 2006 an ETA commando stormed into the facilities of the SIDAM gun shop in Vauvert, in Gard *département*.<sup>273</sup> The team of three seized 400 handguns – mostly in 9 x 19 mm and .357 Magnum calibres, including new Smith & Wesson MP9 and CZ pistols – and 60,000 rounds of ammunition.<sup>274</sup> They also took older weapons that were being repaired in the shop, including a Luger P08 pistol.<sup>275</sup> Ballistics analysis of the cartridge cases left behind at the 2007 Cap Breton crime scene revealed the murder weapon to be a Smith & Wesson MP9 pistol that had been stolen from SIDAM. Firearms originating from this source have also been regularly seized from arrested ETA members – they were easily traced because the serial numbers were left intact.<sup>276</sup>

Caches that ETA recently surrendered as part of its disarmament process generally contained some 50 firearms each, stored in plastic containers. A cache examined at Louhossoa on 16 December 2016 contained a combination of Arminius revolvers, SIDAM-origin handguns, former Spanish Army firearms with milled serial numbers, SIG- and FN-manufactured firearms, and homemade ‘Uzi’ sub-machine guns.<sup>277</sup> A number of Spanish-produced 7.62 x 51 mm CEMTE rifles have also been recovered.<sup>278</sup>

Most of the ammunition held recently by ETA was also stolen from SIDAM. However, ETA also reloaded a significant proportion of its ammunition (especially in calibres .357, 9 x 19 mm and .45), representing about 10-15% of what has been recovered in recently surrendered caches.<sup>279</sup>

### 3.3 Firearms and Corsican nationalism

Since 1976, as part of its campaign for Corsican independence, the Front de Libération Nationale Corse (FLNC) has carried out a number of attacks on and bombings of symbols of the French state, both on the island and in southern France.<sup>280</sup> The violent activities of Corsican nationalists have diminished in recent years, however: the number of investigations opened in France related to terrorism in Corsica decreased from 248 in 2006 to 26 in 2013,<sup>281</sup> and in 2016 the group announced the end of its armed campaign.<sup>282</sup> The situation nevertheless remains fragile, and organised crime contributes to the island's high homicide rate.<sup>283</sup> Police sources note that 12 gauge is currently the most predominant calibre in use in crime in Corsica.<sup>284</sup> Score settling between organised crime gangs tends to involve pump-action or hunting shotguns.<sup>285</sup> Such groups also have access to automatic firearms, however. In October 2014 the 49-year-old owner of a firearms business was found guilty of reactivating firearms and selling them to individuals linked to Corsican organised crime. The weapons he supplied to them included ten AK-pattern rifles, a Skorpion sub-machine gun and a Walther PPK semi-automatic pistol.<sup>286</sup>

Corsican nationalists' holdings and procurement of firearms provide additional insights into how clandestine organisations acquire weapons in France. Weapons they displayed during their 1990s propaganda efforts suggested international sources of supply. In January 1996 the FLNC invited tens of journalists to a press conference in a forest. There, some 600 militants, dressed in black combat clothing and their faces covered, could be seen carrying a variety of firearms. The diverse weapons they displayed at this and other events typically included Uzi sub-machine guns, Steyr AUG and M16 rifles, rocket launchers, machine guns, and CZ 75 pistols.<sup>287</sup> Corsican nationalists have also used automatic weapons in particular to spray bullets at state symbols such as gendarmerie stations.<sup>288</sup> Little information is available, however, on the criminal networks used to acquire these diverse firearms. One rare documented example involved the smuggling of Austrian police Glock pistols in the mid-1990s. Four Austrian police officers forged documentation to collect unclaimed service pistols that were reserved for retired officers who requested them. They then sold the firearms to local criminal networks, as well as about 20 units to Corsican militants they were personally acquainted with.<sup>289</sup>

Corsican nationalists also sourced weapons locally, including through theft from law enforcement services. On 6 February 1998 Préfet Claude Erignac was shot first in the neck then twice in the head on his way to meet his wife at the theatre in Ajaccio. The killer left the firearm close to the scene. Tracing efforts revealed that the 9 x 19 mm MAS G1 pistol – a copy of the Beretta 92FS manufactured under licence in Saint Etienne – was one of two pistols that had been stolen during the

assault on a gendarmerie post in Pietrosella on 6 September 1997.<sup>290</sup> The investigation found that Yvan Colonna, a man connected to the FLNC, was the attacker. He was sentenced to life in prison.<sup>291</sup>

### 3.4 Links between organised crime and the acquisition of firearms by terrorist groups

Due to the secretive nature of ongoing investigations, interviewed officials were not at liberty to share information on the specific proximate criminal networks used by terrorist organisations to acquire firearms. Forensics specialists met for this study nevertheless observed that, to date, not a single firearm examined in relation to terrorism has been linked through ballistics testing to other criminal cases or offences.<sup>292</sup> While this statement should be weighed against the fact that France's nationwide ballistics network remains in its infancy, the fact remains that clearly documenting a link between terror actors and organised criminal groups is challenging.

While investigations may reveal more information as they unfold, some observers suggested that connections between the criminal and jihadi terrorism spheres in particular may be limited for a reason. Organised criminal groups would put themselves at greater risk of harassment by the authorities by supplying terrorists, and may in fact be trying to limit such ties.<sup>293</sup> Moreover, other groups have openly expressed their discontent with the jihadi networks. Following the July 2016 jihadi attack in Nice, for instance, the FLNC publicly threatened jihadi terrorists with retaliation should they attempt to carry out attacks in Corsica.<sup>294</sup>

Overall, with the exception of Mohamed Merah, most jihadi attack perpetrators appear to have been involved in low-level criminality rather than organised crime. As Europol noted, *"foreign terrorist fighters (FTFs) and their facilitation networks are predominantly self-funding (for example, from their employment income, support from family and friends, social welfare and/or bank loans). ... the perpetrators of the January [2015] Paris attacks were not in employment at that time; they made use of a consumer loan obtained with forged documents and cashed out, they had the proceeds of the sale of a car, and had cash linked to the sale of counterfeit goods."*<sup>295</sup>

This suggests the discreet and small-scale involvement of jihadi terror cell members in low-level criminal activities with the purpose of financing their activities.

The information reviewed in this report illustrates a wide range of and flexibility in the procurement methods used by terrorist organisations. Indeed, where tracing

was successful, information points mainly to local sources, including thefts from gun shops, lawful individual gun owners, and state security forces, as well as craft production. Little is known about the origins of the AK-pattern rifles used in the deadly November 2015 attacks. While some could be traced back to the Balkans in the early 1990s, their more proximate chains of custody are unclear. Available reporting suggests that the attackers' personal networks in Belgium played a part,<sup>296</sup> but when and through which route these firearms were smuggled from the Balkans remain unclear.

## 4. Conclusions

France has faced several waves of terror attacks in its history, but the violence and human toll of those perpetrated since 2015 is unprecedented. Firearms were the primary weapon used in the most deadly attacks. Data on 52 firearms used or seized in connection with eight recent terror cases show that handguns, followed by automatic rifles, have been the main types of weapons held and used by jihadi terrorists.

Owing to the legacy of the Second World War, a tradition of tolerance towards unregistered rifles and shotguns, and more recent dynamics of cross-border trafficking, France hosts a sizeable pool of illicit firearms. While difficult to quantify, the available estimates suggest that they may number several million, with hunting rifles and shotguns representing the largest share. In fact, the number of illicit guns circulating even appears to be growing – in 2015 firearms that were reported stolen outnumbered those seized by the authorities. Shotguns and handguns are the weapons types most frequently examined by the country's forensics experts. While cases of the illicit possession or use of automatic rifles have increased slightly in recent years, comparatively speaking they remain much less frequent than those involving shotguns and handguns. When used, automatic rifles can inflict particularly devastating violence, however. In the region of Marseille, for instance, homicide victims are shot on average more than ten times when the weapon used is an AK-pattern rifle.

Illicit firearms in France originate from a variety of domestic and foreign sources. Domestically, they include primarily theft from private legal gun owners, gun shops, arms fairs and other actors. Criminal networks exploit differences and gaps in European countries' national legislation and the private networking offerings of the internet to import categories of weapons that are prohibited or heavily restricted in France, including automatic rifles, sub-machine guns, handguns and their

essential components. These are the most expensive types of arms on the black market, with prices that can reach several thousand euros. Experts and officials expressed concern over a growing trade in easily convertible replica firearms, as well as retro-convertible deactivated firearms. These weapons originate from other EU countries or transit through them before reaching French territory. Once converted – in France or abroad – to lethal-purpose weapons, these firearms represent a cheap alternative to real guns and an opportunity for criminals to generate profit.

Tracing the origins of firearms used in terrorism is particularly difficult, and especially so when the weapons are ageing automatic rifles. The AK-pattern rifles used in recent attacks were typically produced in the Balkans in the 1980s. Apart from identifying their last legal owner – often South East European national armed forces before the conflicts of the 1990s – tracing efforts yielded unsatisfactory information about the weapons' more recent chains of custody. On the other hand, the tracing of the reactivated vz.58 rifles helped build momentum to address the trafficking that had developed around easily convertible Slovakian acoustic expansion weapons. While most investigations into the recent attacks are still ongoing, currently available information suggests that some terrorist cells acquired illicit firearms locally and in neighbouring countries. This is notably the case in Belgium, from where several of the Paris attackers originated. Links between the November Paris attackers and the March 2016 Brussels Airport suicide bombers are also strongly suspected, including in terms of firearms procurement.

As governments intensify their efforts to curtail the trafficking of weapons, organised crime groups may feel increasingly reluctant to supply terrorist groups, and terrorists' use of other methods such as trucks, cars and bombs for attacks in France and other European countries may indicate that sources of supply are becoming more limited. Other organisations previously engaged in terrorist activity in France, such as ETA and the FLNC, have demonstrated the ability of clandestine organisations to adapt to such circumstances and identify discreet and local sources of weaponry, such as theft from private actors and even craft production. While addressing the cross-border trafficking of automatic firearms remains essential, efforts should also take into consideration the local sources of supply that jihadi and other terrorists could still seek to exploit.

In response to the recent wave of terrorist attacks, the French government has endeavoured to accelerate reform of the country's intelligence and security forces, and put in place plans of action and a series of associated measures to tackle illicitly held firearms. A key component of these efforts is the improvement of data collection and analysis methods. While the new tools put in place remain in their infancy, this study has showed that centralised SCAEMS and customs data on weapons

seizures and thefts and the networked FNIB ballistics system already help to provide important indicators of the nature and extent of illicit arms flows in the country. Sustaining and building on these efforts would allow for more detailed data analysis of specific patterns of arms trafficking.

In parallel, efforts to reinforce the capacities of police and gendarmerie officers to investigate and record illicit firearms are under way. France adopted new firearms legislation in 2013, increased penal sanctions associated with illicit firearms possession and is working to improve its registry of civilian-held weapons. Following the 2015 attacks, it has also pushed its European partners to accelerate the adoption of the new EU firearms directive and firearm deactivation regulation. Interviewed officials have consistently expressed concern over the slow and uneven implementation of some minimum European standards, including those related to firearms deactivation. Different legislation within the EU regarding the classification of essential parts of firearms means that these components remain easily accessible in a number of EU member states, and are therefore a potential source for weapons traffickers. Indeed, many of the efforts undertaken by France may prove futile unless other member states follow suit.

## ENDNOTES

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- 2 Europol, 2016, *European Union Terrorism Situation and Trend Report (TE-SAT) 2016*, The Hague, p.10.
- 3 See, for instance, Fenech, G. and Pietrasanta, S., (2016), *Rapport fait au nom de la Commission d'enquête relative aux moyens mis en œuvre par l'Etat pour lutter contre le terrorisme depuis le 7 janvier 2015*, no, 3922, Assemblée Nationale.
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- 5 See, for instance, Fenech, G. and Pietrasanta, S., (2016), *Rapport fait au nom de la Commission d'enquête relative aux moyens mis en œuvre par l'Etat pour lutter contre le terrorisme depuis le 7 janvier 2015*, no, 3922, Assemblée Nationale.
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- 8 This action plan is not available publicly. Written communication with the DGDDI, 12 May 2017.
- 9 Written communication with the DGDDI, 12 May 2017.
- 10 Ministry of Interior (2015), *Plan national de lutte contre les armes illégalement détenues*, 13 November, <http://mobile.interieur.gouv.fr/Presse/Dossiers-de-presse/Plan-national-de-lutte-contre-les-armes-illegalement-deteneues>
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- 12 See McDonald, G., (2017), 'Revised Indicator 16.4.2: A useful, but limited, step towards 2030,' *Talking Target 16.4 Blog*, Small Arms Survey, 10 March, <http://www.smallarmssurvey.org/de/salw/blog-events/talking-target-164.html>
- 13 INPS (Institut National de Police Scientifique), (2016), *FNIB – Bilan 2016*, Ministry of Interior, p2.
- 14 Written communication with the SCAEMS, 29 May 2017; Written communication with source CS1, 29 May 2017; *Le Progrès*, (2011), 'Lyon et Ecully: l'unité balistique de la police suit les armes à la trace,' 28 March, <http://www.leprogres.fr/societe/2011/03/28/lyon-et-ecully-l-unite-balistique-de-la-police-suit-les-armes-a-la-trace>
- 15 INPS (Institut National de Police Scientifique), (2016), *FNIB – Bilan 2016*, Ministry of Interior, p2.

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- 33 Written communication with source CS3, 12 April 2017.
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- 36 Verbal communication with source CS2, 28 March 2017.
- 37 Verbal communication with source CS2, 28 March 2017; Verbal communication with source CS16, 21 April 2017
- 38 Verbal communication with source CS2, 28 March 2017.
- 39 Written communication with source CS2, 12 June 2017.



- 40 Written communication with source CS3, 16 June 2017.
- 41 Verbal communication with source CS3, 28 March 2017.
- 42 Verbal communication with source CS16, 21 April 2017.
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- 44 Written communication with source CS2, 12 June 2017.
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- 46 Written communication with source CS2, 12 June 2017; Written communication with source CS3, 16 June 2017.
- 47 Ministry of Interior (2015), *Plan national de lutte contre les armes illégalement détenues*, 13 November, <http://mobile.interieur.gouv.fr/Presse/Dossiers-de-presse/Plan-national-de-lutte-contre-les-armes-illegalement-detenees>
- 48 Verbal communication with source CS2, 28 March 2017; Verbal communication with source CS26, 20 April 2017.
- 49 See for instance the Association pour le Rétablissement du Port d'Arme Citoyen at <http://arpac.eu/>. Verbal communication with source CS26, 20 April 2017.
- 50 Verbal communication with source CS23, 29 March 2017.
- 51 Schroeder, M., (2013), 'Captured and Counted: Illicit Weapons in Mexico and the Philippines,' in *Small Arms Survey, Small Arms Survey 2013: Everyday Dangers*, Cambridge University Press, p. 284.
- 52 Verbal communication with source CS2, 28 March 2017; Verbal communication with source CS3, 28 March 2017. See also Antoine, J.C., (2012), *Au Coeur du Trafic d'Armes: Des Balkans aux Banlieues*, Vendémiaire, pp78-80.
- 53 For instance, Police sources were quoted stating the number of illegal firearms in circulation in the banlieues amounted to 30,000 or more in 2008. Leclerc, J-M., (2009), 'Au moins 30.000 armes à feu illégales en France,' *Le Figaro*, 17 December, <http://www.lefigaro.fr/actualite-france/2009/12/16/01016-20091216ARTFIG00693-les-armes-a-feu-dans-le-collimateur-.php>
- 54 See Centre for Strategy and Evaluation Services (2014), *Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the European Union*, Brussels: European Commission, Directorate General Home Affairs, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/organized-crime-and-human-trafficking/general/docs/dg\\_home\\_-\\_illicit\\_firearms\\_trafficking\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/organized-crime-and-human-trafficking/general/docs/dg_home_-_illicit_firearms_trafficking_final_en.pdf)
- 55 Antoine, J.C., (2012), *Au Coeur du Trafic d'Armes: Des Balkans aux Banlieues*, Vendémiaire, p78.
- 56 Written communication with source CS2, 13 April 2017.
- 57 Written communication with source CS3, 12 April 2017.
- 58 Written communication with source CS3, 12 April 2017.
- 59 Written communication with source CS2, 29 May 2017.
- 60 Verbal communication with source CS4, 16 May 2017.
- 61 Written communication with source CS3, 29 May 2017.

- 62 Duquet (N.) and Van Alstein (M), (2015), *Firearms and Violent Deaths in Europe*, Flemish Peace Institute, June, p6, [http://www.flemishpeaceinstitute.eu/sites/vlaamsvredesinstituut.eu/files/files/reports/firearms\\_and\\_violent\\_deaths\\_in\\_europe\\_web.pdf](http://www.flemishpeaceinstitute.eu/sites/vlaamsvredesinstituut.eu/files/files/reports/firearms_and_violent_deaths_in_europe_web.pdf)
- 63 European Commission, (2013), *Flash Eurobarometer 383: Firearms in the European Union*, Report, October; Duquet (N.) and Van Alstein (M), (2015), *Firearms and Violent Deaths in Europe*, Flemish Peace Institute, June, pp9,11, [http://www.flemishpeaceinstitute.eu/sites/vlaamsvredesinstituut.eu/files/files/reports/firearms\\_and\\_violent\\_deaths\\_in\\_europe\\_web.pdf](http://www.flemishpeaceinstitute.eu/sites/vlaamsvredesinstituut.eu/files/files/reports/firearms_and_violent_deaths_in_europe_web.pdf)
- 64 The Eurobarometer survey was administered to a sample of the population aged 15 or more. The data on the French population aged 15 or more in 2015 is taken from UN Population Division, (2017), *Quinquennial Population by Five-Year Age Groups - Both Sexes.*, <https://esa.un.org/unpd/wpp/Download/Standard/Population/>
- 65 Verbal communication with source CS4, 16 May 2017.
- 66 Desmoulières, R.B., (2008), 'Combien d'Armes à Feu Circulent en France,' *Le Monde*, 1 October.
- 67 As of June 2017, the SCAEMS reported having verified 5,959 seizures for 2016, but noted that some firearms seized under the state of emergency may not have been fully accounted. Written communication with the SCAEMS, 12 June 2017.
- 68 These were the sources for the following years:  
2000: Karoutchi, R., (2002), Question écrite n° 35161. Réponse du ministère: Intérieur, Journal Officiel du Sénat, 17 January, <https://www.senat.fr/questions/base/2001/qSEQ010935161.html>, p 156.  
2005-2008: Leclerc, J-M., (2009), Au moins 30.000 armes à feu illégales en France, *Le Figaro*, 17 December, <http://www.lefigaro.fr/actualite-france/2009/12/16/01016-20091216ARTFIG00693-les-armes-a-feu-dans-le-collimateur-.php>  
2009: DCPJ, (2012), Response to 'National Small Arms Questionnaire,' Administered by the Small Arms Survey.  
2010: Ministry of Interior (2017), Discours de M. Bruno Le Roux, prononcé à l'occasion de l'inauguration du service central des armes, à Nanterre, 12 January, <http://www.interieur.gouv.fr/Archives/Archives-ministre-de-l-interieur/Archives-Bruno-Le-Roux-decembre-2016-mars-2017/Interventions-du-ministre/Inauguration-du-service-central-des-armes>  
2011: Carvounas, L., (2012), Question écrite n° 01246. Réponse du Ministère de l'Intérieur, Journal Officiel du Sénat, 30 August, <https://www.senat.fr/questions/base/2012/qSEQ120801246.html>, p 1907.  
2014: Ministry of Interior (2015), Plan national de lutte contre les armes illégalement détenues, 13 November, <http://www.interieur.gouv.fr/Archives/Archives-des-actualites/2015-Actualites/Plan-national-de-lutte-contre-les-armes-illegalement-detenees>, p 2  
2015: Written communication with source CS2, 13 April 2017.  
2016: Ministry of Interior (2017), Discours de M. Bruno Le Roux, prononcé à l'occasion de l'inauguration du service central des armes, à Nanterre, 12 January, <http://www.interieur.gouv.fr/Archives/Archives-ministre-de-l-interieur/Archives-Bruno-Le-Roux-decembre-2016-mars-2017/Interventions-du-ministre/Inauguration-du-service-central-des-armes>.
- 69 Douanes et Droits Indirects, (2012-2016), *Douanes résultats*, annual activity reports.
- 70 United Nations Office on Drugs and Crime, (2015), *UNODC Study on Firearms 2015*, p15
- 71 SCAEMS presentation at an Institut de Relations Internationales et Stratégiques (IRIS) seminar, Paris, 21 January 2017.

- 72 Written communication with the SCAEMS, 3 May 2017.
- 73 Written communication with the SCAEMS, 22 May 2017.
- 74 Written communication with source CS9, 31 May 2017.
- 75 Written communication with source CS9, 31 May 2017.
- 76 Written communication with source CS5, 12 May 2017.
- 77 Written communication with source CS5, 12 May 2017.
- 78 Written communication with source CS5, 12 June 2017.
- 79 By way of comparison, the Gendarmerie seized a total of 1,915 in 2015, suggesting almost half of firearms seized by the Gendarmes are sent to the IRCGN for analysis. Written communication with source CS6, 2 December 2016; Written communication with source CS2, 3 May 2017.
- 80 Written communication with source CS6, 2 December 2016.
- 81 Interestingly, data on firearms seized during the period 2010-2015 collected from media sources and analysed by the EU-funded 'FIRE' project does not identify the north-eastern border or Corsica as 'seizure hotspots'. Transcrime, (2017), *Fighting illicit firearms trafficking routes and actors at European level*, p52-53.
- 82 *Corse-Matin*, (2015), 'La Corse: l'île aux homicides,' 23 October, <http://www.corsematin.com/article/derniere-minute/la-corse-lile-aux-homicides>.
- 83 The weapons, seized at an individual's home in March 2015, included a home-made 'cannon,' several sub-machine guns, about forty shoulder weapons and a hundred handguns. Ferri, M., (2015), Un canon et une centaine d'armes saisis chez un habitant de Thuir, *France Bleu Roussillon*, 6 March, <https://www.francebleu.fr/infos/faits-divers-justice/un-canon-et-une-centaine-d-armes-saisis-chez-un-habitant-de-thuir-1425656465>
- 84 Source: Written communication with the SCAEMS, 13 April 2017.
- 85 Source for seizures: Written communication the SCAEMS, 13 April 2017. Source for population figures: INSEE, 2013, *Populations légales*, <https://www.insee.fr/fr/statistiques/2119468?sommaire=2119504>, consulted on 14 April 2017
- 86 Verbal communication with source CS7, 28 March 2017.
- 87 Using data from all services (Police and Gendarmerie), for France métropolitaine, as contained in Data.gouv.fr, (2017), *Chiffres départementaux mensuels relatifs aux crimes et délits enregistrés par les services de police et de gendarmerie depuis janvier 1996*, version updated 6 April 2017, <https://www.data.gouv.fr/fr/datasets/chiffres-departementaux-mensuels-relatifs-aux-crimes-et-delits-enregistres-par-les-services-de-police-et-de-gendarmerie-depuis-janvier-1996/>
- 88 Available data sources do not make it possible to calculate the proportion of homicides carried out with firearms over this timeframe on the entire national territory, however. See Auffret, S., (2015), Marseille et Paris, capitales de la carte du crime, *Le Monde*, 15 October 2015, [http://www.lemonde.fr/les-decodeurs/article/2015/10/15/le-ministere-de-l-interieur-livre-enfin-les-chiffres-de-la-delinquance\\_4790212\\_4355770.html](http://www.lemonde.fr/les-decodeurs/article/2015/10/15/le-ministere-de-l-interieur-livre-enfin-les-chiffres-de-la-delinquance_4790212_4355770.html); and Data.gouv.fr, (2017), *Chiffres départementaux mensuels relatifs aux crimes et délits enregistrés par les services de police et de gendarmerie depuis janvier 1996*, version updated 6 April 2017, <https://www.data.gouv.fr/fr/datasets/chiffres-departementaux-mensuels-relatifs-aux-crimes-et-delits-enregistres-par-les-services-de-police-et-de-gendarmerie-depuis-janvier-1996/>

- 89 Besson, J.L., (2015), Les Homicides Volontaires Diagnostiqués par l'Institut Médico-légal de Paris de 1994-2014, Note Statistique n. 9 de l'Observatoire National de la Délinquance et des Réponses Pénales, Avril, p18.
- 90 Small Arms Survey, (n.d), Database on Violent Deaths, as of 1 August 2016, <http://www.smallarmssurvey.org/?id=1253>
- 91 Western European and European averages are calculated using data for the respectively 9 and 46 states categorized as such in Small Arms Survey, (n.d), Database on Violent Deaths, as of 1 August 2016, <http://www.smallarmssurvey.org/?id=1253>
- 92 Written communication with the Institut Médico-Légal of Marseille, 3 May 2017.
- 93 Written communication with the Institut Médico-Légal of Marseille, 3 May 2017.
- 94 Verbal communication with source CS7, 28 March 2017.
- 95 Using data from all services (Police and Gendarmerie), for France métropolitaine, as contained in Data.gouv.fr, (2017), *Chiffres départementaux mensuels relatifs aux crimes et délits enregistrés par les services de police et de gendarmerie depuis janvier 1996*, version updated 6 April 2017, <https://www.data.gouv.fr/fr/datasets/chiffres-departementaux-mensuels-relatifs-aux-crimes-et-delits-enregistres-par-les-services-de-police-et-de-gendarmerie-depuis-janvier-1996/>
- 96 Scherr, M., (2016), *Les Dynamiques Récentes des Vols à Main Armée*, FlashCrim no.8, ONDRP, June.
- 97 Using data from all services (Police and Gendarmerie), for France métropolitaine, as contained in Data.gouv.fr, (2017), *Chiffres départementaux mensuels relatifs aux crimes et délits enregistrés par les services de police et de gendarmerie depuis janvier 1996*, version updated 6 April 2017, <https://www.data.gouv.fr/fr/datasets/chiffres-departementaux-mensuels-relatifs-aux-crimes-et-delits-enregistres-par-les-services-de-police-et-de-gendarmerie-depuis-janvier-1996/> 'Armed robberies' in this chart is the sum of indices 15-19 in the above data source.
- 98 Auffret, S., (2015), 'Marseille et Paris, capitales de la carte du crime,' *Le Monde*, 15 October 2015, [http://www.lemonde.fr/les-decodeurs/article/2015/10/15/le-ministere-de-l-interieur-livre-enfin-les-chiffres-de-la-delinquance\\_4790212\\_4355770.html](http://www.lemonde.fr/les-decodeurs/article/2015/10/15/le-ministere-de-l-interieur-livre-enfin-les-chiffres-de-la-delinquance_4790212_4355770.html)
- 99 Verbal communication with source CS9, 12 May 2017.
- 100 Written communication source CS5, 12 May 2017.
- 101 Written communication with the SCAEMS, 13 April 2017.
- 102 Written communication with the SCAEMS, 13 April 2017.
- 103 In the other cases, judges may opt to request forensics analysis by private experts. Written communication with the SCAEMS, 29 May 2017; Written communication with source CS1, 29 May 2017.
- 104 Written communication with source CS1, 15 April 2017.
- 105 Written communication with the SCAEMS, 13 April 2017.
- 106 Each entry corresponds either to a cartridge case, a bullet, or a firearm.
- 107 INPS (Institut National de Police Scientifique), (2016), *FNIB – Bilan 2016*, Ministry of Interior, p2.
- 108 INPS (Institut National de Police Scientifique), (2016), *FNIB – Bilan 2016*, Ministry of Interior, p2; Written communication with the INPS, 16 May 2017.
- 109 INPS (Institut National de Police Scientifique), (2016), *FNIB – Bilan 2016*, Ministry of Interior, p2.

- 110 Written communication with source CS1, 16 May 2017; Written communication with the INPS, 16 May 2017.
- 111 Written communication with the Institut Médico-Légal of Marseille, 3 May 2017.
- 112 With the exception of shotguns and flare pistol inserts, online prices are based on a review of about 400 posts displaying firearms for sale on the [www.natuxo.com](http://www.natuxo.com) online trading platform. The review was performed between February and April 2017, and identified 84 suspicious attempted sales (i.e. cases that appeared to circumvent the firearms legislation) that were posted on the site between July 2014 and April 2017. Online prices for shotguns were collected from three websites ([www.natuxo.com](http://www.natuxo.com), [www.marche.fr](http://www.marche.fr), and [www.annonces.france-chasse.com](http://www.annonces.france-chasse.com)) in May 2017, focusing on 21 posts that failed to specify the legal category of the weapons and the regulatory requirements in place for the acquisition of these firearms. Online prices for flare pistol inserts were observed on the site [www.delcampe.net](http://www.delcampe.net).
- 113 Based on one attempted sale.
- 114 Tourancheau, P., (2002), 'Armes de guerre dans la ligne de mire,' *Libération*, 10 April, [http://www.liberation.fr/evenement/2002/04/10/armes-de-guerre-dans-la-ligne-de-mire\\_399775](http://www.liberation.fr/evenement/2002/04/10/armes-de-guerre-dans-la-ligne-de-mire_399775)
- 115 Mandraud, I.,(2007), 'Artillerie lourde en banlieue', *Le Monde*, 21 November, [http://www.lemonde.fr/societe/article/2007/11/21/des-banlieues-francaises-tres-armees\\_980865\\_3224.html](http://www.lemonde.fr/societe/article/2007/11/21/des-banlieues-francaises-tres-armees_980865_3224.html)
- 116 Verbal communication with source CS11, 14 october 2009.
- 117 *Atlantico.fr*, (2011), 'Kalachnikov à 400 euros : « Un petit investissement pour un gros business »,’ 3 December, <http://www.atlantico.fr/decryptage/kalachnikov-marseille-attaques-fabrice-rizzoli-laurent-appel-237270.html>
- 118 *Midi Libre*, (2012), 'Armes de guerre: 15 000 Kalachnikov seraient en circulation dans les banlieues', 2 July, <http://www.midilibre.fr/2012/07/02/armes-de-guerre-15-000-kalachnikov-seraient-en-circulation,527102.php>
- 119 *Bfmtv*, (2013), 'Qui achète et qui vend des kalachnikovs, comment et à quel prix?,' 9 September, <http://www.bfmtv.com/societe/achete-kalachnikovs-a-prix-598948.html>
- 120 Bourdier, M., (2015), 'Un plan contre le trafic d'armes: les chiffres à connaître sur la circulation des armes à feu en France,' *Huffington Post*, 13 November, [http://www.huffingtonpost.fr/2015/11/13/armes-a-feu-france-traffic-armes-france-chiffres-bernard-caze-neuve-plan-ministere-interieur\\_n\\_8553006.html](http://www.huffingtonpost.fr/2015/11/13/armes-a-feu-france-traffic-armes-france-chiffres-bernard-caze-neuve-plan-ministere-interieur_n_8553006.html)
- 121 The source stressed that these prices are estimates, vary according to supply and demand, and that it is generally easier, so cheaper, to acquire firearms in urban centers than in rural areas. Verbal communication with source CS9, 11 May 2017.
- 122 Based on two attempted sales in 2014.
- 123 Compared with EUR 150-250 in Serbia, and EUR 10,000 in the UK. Verbal communication with source CS2, 28 March 2017.
- 124 Duquet, N., (2016), *Armed to kill: An exploratory analysis of the guns used in public mass shootings in Europe*, Flemish Peace Institute, June, p21
- 125 Verbal communication with source CS12, 18 April 2017.
- 126 Based on three attempted sales.
- 127 *Le Point*, (2009), 'Des armes au marché noir,' n° 1914, 20 May, <http://www.lepoint.fr/actualites-societe/2009-05-20/des-armes-marche-noir/920/0/345160>

- 128 *Le Point*, (2009), 'Des armes au marché noir,' n° 1914, 20 May, <http://www.lepoint.fr/actualites-societe/2009-05-20/des-armes-marche-noir/920/0/345160>
- 129 *Le Parisien*, (2011), 'Il voulait se défendre avec un pistolet-mitrailleur,' 5 October, <http://www.leparisien.fr/trappes-78190/il-voulait-se-defendre-avec-un-pistolet-mitrailleur-05-10-2010-1095475.php>
- 130 Verbal communication with source CS13, 18 April 2017.
- 131 Verbal communication with source CS12, 18 April 2017.
- 132 Based on three attempted sales.
- 133 Based on one attempted sale.
- 134 Based on two attempted sales (from cheapest to most expensive, models Maverick 88 and Rapid Manufrance).
- 135 Based on three attempted sales (from cheapest to most expensive, models Armscor, Maverick 88, and Fabarm).
- 136 Based on two attempted sales (from cheapest to most expensive, models Fabarm 7 rounds + 1, and Winchester Defender).
- 137 Based on one attempted sale (model Maverick 88).
- 138 Based on one attempted sale (model Verney Carron).
- 139 Based on two attempted sales (from cheapest to most expensive, models Fabarm and Breda).
- 140 Based on two attempted sales (from cheapest to most expensive, models Benelli Super 90 and Browning Phoenix).
- 141 Based on one attempted sale (model Hardy Bros).
- 142 Based on three attempted sales (from cheapest to most expensive, models Manufrance Robust, Helice, and Baikal IJ43).
- 143 Based on three attempted sales (from cheapest to most expensive, models Franchi Falconet, Fabarm, and Browning B425).
- 144 Based on one attempted sale (sawed off double barrel over-under shotgun).
- 145 Based on 4 attempted sales.
- 146 Euro amounts are converted from the former French Franc values quoted in the source. Antoine, J.C., (2012), *Au Cœur du Trafic d'Armes: Des Balkans aux Banlieues*, Vendémiaire, p107.
- 147 Euro amount is converted from the former French Franc value quoted in the source. Benhamou, G., (1996), 'Des ripoux autrichiens,' *Libération*, 23 January, [http://www.libération.fr/france-archive/1996/01/23/des-ripoux-autrichiens-arment-le-flnc\\_159403](http://www.libération.fr/france-archive/1996/01/23/des-ripoux-autrichiens-arment-le-flnc_159403)
- 148 *Le Point*, (2009), 'Des armes au marché noir,' n° 1914, 20 May, <http://www.lepoint.fr/actualites-societe/2009-05-20/des-armes-marche-noir/920/0/345160>
- 149 Based on nine attempted sales of Glocks 17, 19 and 34.
- 150 Verbal communication with source CS9, 11 May 2017.
- 151 Based on one attempted sale.
- 152 Based on one attempted sale.
- 153 Based on eight attempted sales. Sold with modified 9 mm PAK rounds
- 154 Based on one attempted sale.

- 155 Based on one attempted sale.
- 156 Based on eight attempted sales.
- 157 Based on three attempted sales. Two were not modified and priced at EUR 110-250, but their sale should have been restricted following a January 2016 Decree that upgraded this firearm to Category B. The modified version was sold in 2016 for EUR 350.
- 158 Tourancheau, P., (2002), 'Armes de guerre dans la ligne de mire,' *Libération*, 10 april, [http://www.liberation.fr/evenement/2002/04/10/armes-de-guerre-dans-la-ligne-de-mire\\_399775](http://www.liberation.fr/evenement/2002/04/10/armes-de-guerre-dans-la-ligne-de-mire_399775)
- 159 Tourancheau, P., (2002), 'Armes de guerre dans la ligne de mire,' *Libération*, 10 april, [http://www.liberation.fr/evenement/2002/04/10/armes-de-guerre-dans-la-ligne-de-mire\\_399775](http://www.liberation.fr/evenement/2002/04/10/armes-de-guerre-dans-la-ligne-de-mire_399775)
- 160 *Le Point*, (2009), 'Des armes au marché noir,' n° 1914, 20 May, <http://www.lepoint.fr/actualites-societe/2009-05-20/des-armes-marche-noir/920/0/345160>
- 161 Two models of pen-flares are commonly converted to pen-guns. These are the Erma SG67E and DNS, both designed to propel 15 mm flares. By replacing the flare with a cylinder that is screwed at the end of the pen, these firearms can shoot .22 LR ammunition. Molinié, W., (2014), 'Armes dissimulées: Quand des armes dangereuses sont cachées dans des objets de la vie courante,' 20 *Minutes*, 31 March, <http://www.20minutes.fr/societe/1338569-20140331-armes-dissimulees-quand-armes-dangereuses-cachees-objets-vie-courante>
- 162 Based on two attempted sales. Modified to fire .22 LR cartridges.
- 163 See Florquin, (N), 2013, 'Price Watch: Arms and Ammunition at Illicit Markets,' in Small Arms Survey, (2013), *Small Arms Survey 2013: Every Day Dangers*, Cambridge University Press.
- 164 Written communication with source CS2, 13 April 2017.
- 165 See, for instance, Antoine, J.C., (2012), *Au Coeur du Trafic d'Armes: Des Balkans aux Banlieues*, Vendémiaire, p95.
- 166 Written communication with source CS2, 13 April 2017; Verbal communication with source CS9, 11 May 2017.
- 167 Written communication with source CS1, 15 April 2017.
- 168 Verbal communication with source CS9, 11 May 2017; Verbal communication with source CS14, 21 April 2017; Verbal communication with source CS13, 18 April 2017. See also Baumgartner, C., and Felkay, M., (2012), 'Le trafic d'armes dans les Balkans occidentaux,' *La Revue du GRASCO*, no. 2, 2 July, pp.39-41, [http://www.larevuedugrasco.eu/documents/revue\\_n3\\_octobre\\_2012.pdf](http://www.larevuedugrasco.eu/documents/revue_n3_octobre_2012.pdf)
- 169 The Vz.61s were in their original state and not modified or reactivated. Verbal communication with source CS13, 18 April 2017. See also *Le Monde*, 2013, 'Deux légionnaires écroués à Marseille pour trafic d'armes,' 4 July, [http://www.lemonde.fr/societe/article/2013/07/04/trafic-d-armes-dans-la-region-marseillaise-six-interpellations\\_3442447\\_3224.html#qr2t312rGwD9Y5Zd.99](http://www.lemonde.fr/societe/article/2013/07/04/trafic-d-armes-dans-la-region-marseillaise-six-interpellations_3442447_3224.html#qr2t312rGwD9Y5Zd.99)
- 170 Written communication with source CS12, 13 April 2017.
- 171 *Europe 1*, (2015), 'Saisie de 92 pistolets d'alarme transformés en armes létales,' 3 December, <http://www.europe1.fr/faits-divers/92-pistolets-dalarme-transformes-en-armes-letales-saisies-en-region-parisienne-2630441>



- 172 PIXAF (Plateau d'Investigation eXplosifs et Armes à Feu), 2016, *L'arme à blanc modifiée : arme factice, menace réelle*, Veille Stratégique, Gendarmerie Nationale, 30 December.
- 173 PIXAF (Plateau d'Investigation eXplosifs et Armes à Feu), 2016, *L'arme à blanc modifiée : arme factice, menace réelle*, Veille Stratégique, Gendarmerie Nationale, 30 December.
- 174 PIXAF (Plateau d'Investigation eXplosifs et Armes à Feu), 2016, *L'arme à blanc modifiée : arme factice, menace réelle*, Veille Stratégique, Gendarmerie Nationale, 30 December.
- 175 Written communication with source CS3, 21 June 2017.
- 176 Verbal communication with Patrice Renaudot, Director, Banc National d'Epreuve, Saint Etienne, 20 April 2017.
- 177 These include the 13 other members of the Permanent International Commission for Firearms Testing (CIP). See <http://www.cip-bobp.org/fr>
- 178 For an example of a Czech-proofed Turkish replica sold online in France, see <http://www.boutique-sd-equipements.fr/pistolet-d-alarme/687-revolver-viper-chrome-9mm-380-rk.html>
- 179 Verbal communication source CS9, 11 May 2017; Verbal communication with source CS14, 21 April 2017.
- 180 United States District Court of Massachussets, (2015), United States of America vs. David L. Maricola and Arto Laatikainen, Indictment criminal action no. 15cr40023, p1,22-23, obtained courtesy of Matt Schroeder, Small Arms Survey.
- 181 Verbal communication with source CS9, 11 May 2017.
- 182 Verbal communication with source CS9, 11 May 2017; Verbal communication with source CS14, 21 April 2017
- 183 Verbal communication with source CS13, 18 April 2017.
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# Between organised crime and terrorism: Illicit firearms actors and market dynamics in Italy

**FRANCESCO STRAZZARI AND FRANCESCA ZAMPAGNI**

The illicit trade in firearms has been a key area of international concern since the late 1990s,<sup>1</sup> when large amounts of illicit firearms entered the European Union (EU) illicit firearms market after the end of the Cold War from stockpiles in neighbouring regions, especially the states of the former Yugoslavia. Moreover, since 2001 the threat of jihadist terrorism has been high on the EU agenda and with it the potential problem of arms trafficking to supply terrorist groups based in the EU. In a November 2012 speech Cecilia Malmström, the then-EU commissioner for home affairs, stated that the number of illicit firearms circulating in the EU exceeds the number of registered hunters and sports shooters, which total approximately 10 million.<sup>2</sup> More recently, the flaring up of armed conflicts close to the EU's borders, for example in Ukraine, the Middle East and North Africa, has raised concerns about the emergence of new sources of illicit firearms to supply the European market.

Italy was chosen as the subject of an in-depth study on illicit gun markets for several reasons. Firstly, the country plays a prominent role in the production of firearms in the EU and is considered a top global exporter of small arms and light weapons. According to TradeMap data, the volume of Italian firearms exports is increasing, with a value of US\$806 million in 2016.<sup>3</sup> Secondly, Italy hosts a wide spectrum of organised criminal groups that have been a serious cause of concern to the authorities for some time. Criminal groups are generally considered to be the main drivers of the illicit firearms market in Europe. This market is also closely linked to other criminal activities, such as the trafficking of drugs, people, etc.<sup>4</sup> Italian mafia organisations have long been considered the quintessential paradigm of organised crime: Europol still considers them 'unparalleled by any other European organised crime group' in terms of controlling territories and local administrations, and the



Calabria-based 'Ndrangheta is currently among the richest and most powerful organised crime groups in the world.<sup>5</sup> Finally, Italy's geographical position makes it a strategic location for trafficking routes via the Mediterranean and the Balkans to continental Europe. The geographical proximity of Italy to areas of recent conflicts in the western Balkans has allowed Italian criminals to obtain weapons from former Yugoslavian states and other South-East European countries, and the country is also becoming an important transit route for the trafficking of illegal weapons to Northern Europe.<sup>6</sup> It is important to point out that according to most estimates mafia-related firearms crimes have declined significantly since the 1990s, but firearms are nonetheless always found when the authorities uncover mafia storage facilities.<sup>7</sup>

This case study follows two main lines of inquiry. The first examines the illicit market for firearms in Italy, including its actors and dynamics. The second explores potential terrorist access to firearms in Italy, and possible connections between organised criminal groups and terrorists. Despite this two-pronged approach, it is nonetheless important to note that, as of this writing, no international terrorist attack has taken place in Italy since 1985, with the only partial exception being an attempted attack by a Libyan citizen in Milan in 2009. Other attacks attributed to the anarcho-insurrectionist movement, which, while claiming international connections, does not represent active internationally rooted groups, are mostly carried out with low-grade explosives and therefore do not involve firearms.

#### **Box 1: Research design**

Data were first collected through desk research covering primary sources and secondary literature. This early phase included the final reports of the European Commission-funded FIRE and EFFECT projects, as well as contacts with potential interviewees. We then moved on to an analysis of relevant press articles in Italian newspapers dealing with illicit firearms and arms seizures, mainly in the last three years (2015-2017). Based on our findings, we held informal discussions and/or semi-structured interviews with selected government officials, experts and journalists, with a continuous cross-feeding from media articles that led to more interviewees, as well as from interviewees' insights that led to further references to media sources. Finally, we attended events dealing with the topic of firearms and/or terrorism, such as the most important Italian firearms expo in Vicenza in February 2017 and other expert seminars.

Between March and May 2017 a total of 15 semi-structured interviews were held involving three categories of actors: nine representatives of national authorities that deal with organised crime and illicit trafficking; five experts on firearms and/or terrorism (including a practitioner, an academic, a lawyer, a firearms lobbyist and an NGO representative)<sup>8</sup>; and a journalist who followed media stories on firearms, organised crime and international terrorism in Italy. The interviews with government officials included representatives from relevant law enforcement agencies (e.g. national police services combating firearms trafficking and terrorism) and judicial agencies (e.g. the National Counter-mafia and Counter-terrorism Directorate, and prosecution offices), which were selected according to the extent of their involvement either in policy formulation and/or the fight against the illicit firearms market. One of the main challenges faced during the interview phase was the availability of public officials and police officers. These officials required authorisation from their superiors to take part in interviews, and the submission of formal requests via public relations or press offices proved to be extremely time-consuming. Overall, government officials were cooperative, with the clear understanding that we were not attempting to collect new data or examine sensitive/restricted information. A few officials were reluctant to share information due to the perceived sensitivity of the issues.

All the interviews were conducted in Italian, and different levels of confidentiality as to the identities of the sources were agreed with each respondent, ranging from full details, through partial details (the institution to which he/she was attached), to full anonymity. Only one respondent insisted on full anonymity. Table 1 lists the interviewees, together with their affiliations. To ensure their anonymity, the names are omitted and replaced by codes (using IT to identify Italy, and the number of the interview). The interviews were mostly conducted via phone, except with some national authorities, whose representatives were interviewed in their Rome headquarters. Informal conversations were also held with relevant respondents who were not available for an interview or who were asked for only a few insights in their areas of expertise.<sup>9</sup>

Consultation of the open-source Global Terrorism Database<sup>10</sup> provided data on terrorist attacks in Italy. The database covers the period 1970–2015, with data disaggregated by year, type of attack, weapon(s) used and perpetrator(s). In order to investigate the terrorism-firearms nexus, we also examined judgments of the Corte Penale di Cassazione (the highest court of appeal in Italy) related to criminal association for the purposes of international terrorism (covering five sentences between 2013 and 2016). None of these cases referred to firearms.

Table 1: List of interviewees

Interview code	Interviewee	Date of the interview
IT-01	Prosecutor, Procura di Catania	06/03/2017
IT-02	Associazione Nazionale Produttori di Armi e Munizioni	09/03/2017
IT-03	Lawyer, <i>Armimagazine</i>	09/03/2017
IT-04	Researcher, University of Calabria	14/03/2017
IT-05	Professor, University of Calabria	15/03/2017
IT-06	Journalist, <i>La Stampa</i>	16/03/2017
IT-07	Head, Servizio Centrale Operativo, Polizia di Stato	23/03/2017
IT-08	Anonymous (government official)	23/03/2017
IT-09	Head, Arma dei Carabinieri	03/04/2017
IT-10	Rete Italiana Disarmo	04/04/2017
IT-11	Prosecutor, Direzione Nazionale Antimafia e Antiterrorismo	06/04/2017
IT-12	Prosecutor, Procura Nazionale Antimafia e Antiterrorismo	07/04/2017
IT-13	Servizio Centrale d'Investigazione sulla Criminalità Organizzata, Guardia di Finanza	18/05/2017
IT-14	Servizio Centrale Antiterrorismo, Dipartimento Centrale Polizia di Prevenzione	18/05/2017
IT-15	Prosecutor in charge of the SIDDA/SIDNA database, Direzione Nazionale Antimafia e Antiterrorismo	25/05/2017

The report is divided into three main sections. Section 1 presents the Italian legislative framework dealing with firearms, law enforcement agencies dealing with illicit firearms and counter-terrorism, and policies to deal these phenomena. Section 2 examines the characteristics of the Italian illicit firearms market, including its actors, the types and prices of firearms that were identified, and procurement methods. Finally, Section 3 examines the issue of terrorism, including internal terrorism in Italy since the 1970s, and the connections between organised criminal groups and terrorists in the recent past. The section concludes by examining Islamist terrorism and the terrorism-illicit firearms nexus in Italy (which is largely absent).

## **1. National policy to combat (terrorist access to) illicit firearms**

### **1.1 Legislative context**

#### **1.1.1 Firearms-related laws**

The Italian Constitution provides that the state has exclusive legislative powers in matters concerning state security: firearms, ammunition and explosives fall squarely within this category.<sup>11</sup> Our respondents consider the Italian system of firearms control to be the most stringent in Europe after that of Germany, by restricting the acquisition, possession and carrying of firearms through a licensing system. It bans fully automatic weapons and severely restricts the acquisition of other types of weapons. A constitutional right to bear arms is not part of the Italian legal tradition. Instead, the development of Italian gun-control law has mirrored the turbulent history of the country. The current licensing system dates back to Royal Decree 733, entitled *Testo unico delle leggi di pubblica sicurezza* (TULPS), of 18 June 1931 (art. 35). This decree was issued at the time of the fascist regime's consolidation of police powers, and precisely regulates state control of the activities of private individuals that could adversely affect public security. In the same period the Criminal Code of 1930 regulated the illegal possession of arms (e.g. art. 697).

The Italian legislative framework on firearms thus has deep historical roots; however, it is extremely fragmented due to the many amendments that have changed its nature. The following overview is therefore not comprehensive, but is rather meant to touch on key aspects. On 2 October 1967 Law 895 on the control of weapons of war entered into force. It was extended to common firearms by Law 497 of 14 October 1974, due to the emergence of political terrorism on the national scene in a phase that – quite tellingly – would be remembered as *anni di piombo* (the years of lead).

Law 110 of 18 April 1975, with further amendments, introduced new administrative and criminal rules that systematised the different types of firearms and weapons-related crimes. The TULPS and Law 110 of 1975 also regulate the weapons, ammunitions and explosives of the 'Armed Forces and the Armed Corps of the State': simply put, they state that proper authorisation is required to use them. These provisions exempt the police from the need to obtain authorisation to use weapons, weapons parts, ammunition and explosives in the exercise of their duties.<sup>12</sup>

### Box 2: Classification of firearms in Italy: weapons of war and common firearms

Law 110 of 18 April 1975 (L.110/1975) distinguishes between weapons of war (*arma da guerra*) and common firearms (*arma comune da sparo*) (art. 2).

Weapons of war include weapons that are designed for use in war: bombs; chemical and radioactive agents; lethal combat devices of all kinds; and explosive shells. The same category includes firearms used in war. These are weapons that can be operated with the same ammunition as weapons of war, can be fired automatically, or have ballistic characteristics similar to weapons of war. In terms of firearms, their lethal potential is evaluated according to their degree of automation: thus, fully automatic firearms, firearms that can fire in bursts and some automatic firearms are classified as weapons of war or war-type firearms. Private individuals are forbidden to access such weapons (L.110/1975, art. 10).<sup>13</sup> A dedicated unit in the Ministry of Foreign Affairs, the *Unità per le Autorizzazioni dei Materiali di Armamento* (UAMA), controls the export, import, and transit of weapons of war and related equipment.

Common firearms are all non-war-related firearms, and are divided into shooting firearms (L.85/1986, art. 2; L.110/1975, art. 10) and hunting firearms (L.157/1992, art. 13). Sports shooting weapons include both long and short firearms that because of their structural and mechanical characteristics can be exclusively used for sports activities.<sup>14</sup> Common firearms used for hunting include shotguns with the following characteristics:

- a smoothbore barrel, with two strokes, repeating or semi-automatic, with a magazine containing no more than two cartridges of a calibre not exceeding 12 gauge;

- a rifled barrel, with a single-handed manual or semi-automatic action, of a calibre not less than 5.6 mm, with a shell of a height not lower than 40 mm; or
- two or three barrels combined, one or two of which are smoothbore barrels with a calibre not exceeding 12 gauge, or one or two rifled barrels with a minimum calibre of 5.6 mm.

According to L.85/1986 (art. 2), the Ministry of the Interior and the national Commission on Firearms had the power to decide whether a firearm qualified as a common firearm, and these were listed in an annex to the National Catalogue of Firearms. With the abolition of the catalogue and the commission (see section 1.1.2), the common juridical opinion is that the Ministry of the Interior has the sole power to make such decisions.<sup>15</sup>

As in most countries,<sup>16</sup> Italy requires no licence or registration process to own and operate blank-firing firearms. Such firearms are included in the category of 'tools convertible into firearms' (previously called 'toy weapons', L.110/1975, art. 5). They are divided into those made of metal and those of other materials (e.g. plastic, wood, etc.). Both types must be constructed so that they cannot be turned into lethal weapons that can fire bullets. Only those made of metal must have a fully blocked barrel and must not be able to fire any kind of live ammunition. In addition, the barrel must be closed by a non-removable red cap.

Finally, Interior Ministry internal administrative notes (*circolari*) indicate how policy should be implemented.<sup>17</sup>

Crimes related to firearms can be grouped into two categories:

1. illicit actions as such: the embezzlement, theft and possession of firearms with subversive intentions; the removal of serial numbers; the manufacture of fake branded weapons; and the alteration/reactivation of firearms; and
2. actions considered to be illicit without proper authorisation: the manufacture, import, selling, transfer, export, possession and carrying of weapons.<sup>18</sup>

In addition to the requirement to ensure the proper storage of legitimately held weapons (detailed specifications for weapons storage containers are provided by law), there is an obligation to immediately report to the competent authorities any theft of weapons and explosive materials, and to record all daily operations related

to firearms (transfer, transportation, etc.). According to the TULPS (art. 41), agents and officials of the Judicial Police who receive reports of the presence of illegal firearms, ammunition or explosive materials in any public or private venue or home are obliged to immediately institute a search for such materials in order to seize them.

### 1.1.2 Firearms licences

In Italy it is illegal to carry weapons in public places, but the law provides for different types of gun licences that are issued to applicants only after the conclusion of a formal, centralised procedure managed by the Ministry of the Interior. Two kinds of authorisation are needed to legally purchase firearms:

1. An 'authorisation to purchase' (*nulla osta all'acquisto e detenzione*)<sup>19</sup> allows the holder to purchase and own a firearm, but not to carry or use it. It is valid for 30 days and for only one purchase. An authorisation to purchase is also needed to inherit firearms from a deceased estate.
2. A licence to carry (*licenza di porto d'armi*) allows more purchases until the expiry date. It is valid for one year (for concealed carrying) or six years (for sports shooting and hunting).

The local police headquarters (*questura*) issue both authorisations. To obtain either type of licence, an applicant must be 18 or older, and provide proof of service in the armed forces or police, or a certificate of his/her ability to handle weapons (usually issued by a national sports shooting club). This documentation must not have been obtained more than ten years before the application is made. Finally, the applicant must have a clean criminal record (as verified by the police) and must not be mentally ill or be a known abuser of or addicted to alcohol or illegal drugs.

There are four types of nationally valid licences to carry firearms:

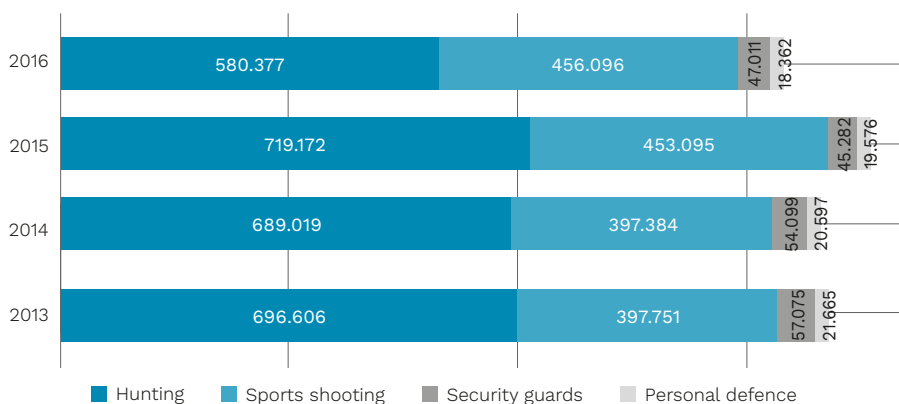
1. *Hunting licence*. This allows the licence holder to carry hunting weapons<sup>20</sup> only during the hunting season and only in game reserves. When transporting them outside game reserves, the weapons must be kept unloaded and locked in their case.
2. *Sports shooting licence*. Licence holders are allowed to transport firearms unloaded and stored in a proper case from their home to an authorised shooting range or to another safe place to practise shooting. A private area used for this purpose must be reasonably distant from roads and inhabited areas, and not accessible to unauthorised people. The licence holder can

therefore transport his/her gun anywhere through the national territory, although these guns can only be used in the designated places referred to above and must never be left unattended during transportation. Six sports shooting firearms can be owned, while common arms (for hunting) are limited to three.

3. A *licence to carry a concealed firearm* (known as a licence for 'personal defence'). This allows a citizen to carry a handgun for personal defence. This kind of licence is usually much harder to obtain than the other two firearms licences, it must be renewed yearly (while hunting and sports shooting licences are valid for six years), and the applicant has to provide a valid reason for carrying a concealed gun (e.g. someone who sells valuable goods such as jewellery). Unlike the other two licences, this one is issued by the *prefettura* (prefecture) and not *questura*.<sup>21</sup>
4. A *special licence to carry for private security personnel*. This licence differs from the standard licence to carry a firearm in that it has to be renewed every two years and costs less to obtain. The open carrying of handguns is not explicitly forbidden by law, but is de facto permitted only for on-duty security personnel. Some officials such as state police, prefects, and prosecutors can buy and carry guns for self-defence without a licence.

The Ministry of the Interior does not publicly release official numbers of firearms licences, but according to a media source citing the ministry we estimated the following numbers (Figure 1 and Table 2).

**Figure 1: Number of licences issued, 2013-2016**



Source: Corriere della Sera (2017)



**Table 2: Security guard and personal defence licences issued for long-barrelled and short-barrelled firearms, 2013-2016**

	2013	2014	2015	2016
<b>Security guards (short-barrelled)</b>	56,396	53,368	44,734	46,381
<b>Security guards (long-barrelled)</b>	679	731	548	630
<b>Personal defence (short-barrelled)</b>	21,200	20,162	19,117	18,034
<b>Personal defence (long-barrelled)</b>	465	435	459	328

Source: Corriere della Sera (2017)

According to another media source, the numbers differ slightly. According to this source, in 2015 the total number of issued licences was 1,265,484, of which 774,679 were for hunting (12.4% higher than 2014), 470,821 were for sports shooting (18.5% higher than 2014) and 19,984 for self-defence (4.7% lower than 2014).<sup>22</sup>

The number of sports shooting licences has increased enormously over the last few years – particularly since 2015 – because it is easier and cheaper to obtain licences. Several media sources<sup>23</sup> and interviewees have highlighted how, in order to circumvent the restrictions imposed by the concealed carrying licence, in recent years more and more people have taken out sports shooting and hunting licences. There is no effective official control of the veracity of the activities for which the applicant claims these licences will be used (i.e. no required number or type of sports shooting activities).

1.1.3 Counter-terrorism laws

The control system in place in Italy aims at preventing any illicit access to firearms for subversive purposes; as such, it also limits terrorist access. In addition, Italian law has a system of provisions specifically targeting terrorism, whose roots are to be found in the country's recent past. Association for the purposes of terrorism, including international terrorism, or for the purposes of subversion of the democratic order (*associazioni con finalità di terrorismo anche internazionale o di eversione dell'ordine democratico*) are the specific object of article 270-bis of the Italian Criminal Code. This article was introduced by Law 15 of 1980 to control the subversive movements that attempted to undermine the democratic order of the state during the 1970s (see section 3.1). It was amended after the terrorist attacks in the United States on 11 September 2001 by Law Decree 374 of 18 October 2001, 'Urgent Measures to Combat International Terrorism', which was converted into Law 438 of 15 December

2001; this law introduced the offence of international terrorism in article 270-bis of the Criminal Code.

Law 34 of 14 February 2003 ratified the UN Convention for the Suppression of Terrorist Attacks by the Use of Explosives through article 280-bis of the Criminal Code. The development of emergency legislation was subsequently accelerated after the terrorist attacks in Madrid in 2004 and London in 2005 through Law Decree 155 of 27 July 2005 entitled 'Urgent Measures for the International Combating of Terrorism' (known as 'Decreto Pisanu', according to the then-minister of the interior), subsequently converted by Parliament into Law 155 of 31 July 2005. The provision gave new powers to the police to identify terrorists (and non-residents could be given a residence permit as a reward for providing useful information in terrorist investigations); extended the use of telephone tapping; extended the period for which electronic data can be stored; and extended to the armed forces the power to identify and detain people and means of transport on the spot. Detention in prison was permitted for a crime even if it was normally punishable by a 'soft' sanction if it was committed for the purposes of terrorism. The arrest of those suspected of planning acts of terrorism was also permitted.

The most recent urgent counter-terrorism measure adopted by the government is Law Decree 7 of 18 February 2015 entitled 'Urgent Measures for Countering Terrorism, Including International Terrorism', which was converted with amendments to Law 43 of 17 April 2015. It introduced new measures for the expulsion of foreigners in order to prevent terrorism, for interviews of detainees by directors of the security services for the purposes of obtaining information that could prevent terrorist activities, the processing of personal data by the police, etc. With an amendment to article 270 quinquies of the Criminal Code, Italian lawmakers intended to sanction not only the person providing training in the use of firearms for the purposes of terrorism, but also the person receiving such training (carrying a sentence of five to ten years' imprisonment). The same punishment is applied to someone self-training him-/herself to use firearms; with training courses conducted through IT being an aggravating factor.

In terms of international compliance, Italy has adopted EU Directive 91/477/EEC through the Law Decree 527/1992, which was then integrated with Law Decree 121/2003 and further modified by Law Decree 204/2010, which adopted EU Directive 2008/51/EC. Law Decree 204/2010 introduced the definition of a firearms broker as 'a person or entity, other than a dealer, whose trade or business consists wholly or in part of the sale, acquisition and organisation of the transfer of arms, ammunition and parts thereof, without having the material available'. According to an interviewee, Italy's compliance with the relevant EU directives is comprehensive and far

exceeds EU requirements.<sup>24</sup> Italy has also ratified UN Protocols against Organised Transnational Crime (Law 146/2006) and the UN Arms Trade Treaty (2013).

## 1.2 National authorities

No single Italian authority is specifically dedicated to combating the illicit firearms market. The illicit possession and/or use of firearms applies to each criminal sector (organised crime, drug trafficking, petty crime, etc.), so the various law enforcement and judicial authorities active in the fight against terrorism, organised crime and illicit trafficking all effectively tackle the illicit circulation of firearms (see Figure 2).

Due to the prominent presence of mafia groups and organised crime in Italy, at the judicial level the most relevant body is the National Anti-Mafia and Anti-Terrorism Bureau (Direzione Nazionale Antimafia e Antiterrorismo, or DNA), which is the coordinating judicial body enforcing anti-mafia legislation. The DNA is responsible to the Corte di Cassazione (the highest judicial court), which falls under the Ministry of Justice. District sections (DDA) are located in the 26 regional capitals where courts of appeal sit and are in charge of the investigation and prosecution of organised crime, mafia-type activities and terrorism. In 1991 the specialised Anti-Mafia Investigative Department (Direzione Investigativa Antimafia, or DIA) was set up to carry out preventive investigations related to organised crime.

In terms of law enforcement, the main police forces in Italy are the State Police (Polizia di Stato, or PS) and the Arma dei Carabinieri, both with national jurisdiction and respectively under the Ministry of the Interior and Ministry of Defence. The Polizia di Stato is a civilian police force, while the Carabinieri is a military force. The Polizia di Stato operates under the Directorate for Public Security (Dipartimento di Pubblica Sicurezza): it provides general police services throughout Italy, and has police stations (*questure*) in every major city and town. The Polizia di Stato's Rome headquarters (the Servizio Centrale Operativo, or SCO), which falls under the Direzione Centrale Anticrimine (which in turn is under the Directorate for Public Security) coordinates *questure* flying squads and investigations of organised crime.

The Directorate for Public Security also includes the head office of the Polizia di Stato: the Central Police Directorate for Crime Prevention (Direzione Centrale della Polizia di Prevenzione, or DCPD). The DCPD is in charge of the prevention of and fight against internal and international terrorism. Among DCPD units there is the Anti-Terrorism Central Section (Servizio Centrale Antiterrorismo), which coordinates the local offices of the General Investigations and Special Operations Division

(Divisione Investigazioni Generali e Operazioni Speciali, or DIGOS). The DIGOS is a special operational division of the Polizia di Stato that acts as its intelligence branch; it has an office in each provincial headquarters (*questura*) of the Polizia di Stato. It is charged with investigating sensitive cases involving terrorism, organised crime and serious offences, and it periodically reports to the minister of the interior and the chief of police.

The Carabinieri is a military police force that historically belongs to the wider family of European gendarmerie, with both military responsibilities and general responsibility for maintaining civilian public order. The Carabinieri includes a special operations group called the Raggruppamento Operativo Speciale (ROS), which is its main investigative branch for dealing with organised crime and terrorism. It was created from the remains of the Special Anti-terrorism Unit, which was established in the 1970s mainly to combat domestic terrorism. Having defeated the Red Brigades in the 1980s, the Special Anti-terrorism Unit was also employed to investigate organised crime, especially during the phase of escalating military-style attacks organised by the Sicilian Cosa Nostra during the first half of the 1990s. Among the investigative methods used by the ROS, one of the most effective (and most dangerous for the agent concerned) is the undercover infiltration of gangs; this method is used in investigations into narcotics; kidnapping; money laundering; and the smuggling of firearms, ammunition and explosives.<sup>25</sup> The ROS has an internal unit for counter-terrorism that has three sub-sections: religious terrorism, left-wing terrorism and right-wing terrorism.<sup>26</sup>

The Guardia di Finanza (Financial Crime Police) is a militarised police force under the authority of the minister of economics and finance that addresses activities connected with financial and economic crimes (such as various financial crimes, organised crime, smuggling, international drug trafficking, illegal immigration, terrorist financing and copyright violations). Its Servizio Investigazione della Guardia di Finanza (SCICO) is responsible for preventing and suppressing criminal infiltration of the Italian economic sector.

The secret services also deal with firearms crimes, organised crime and terrorism. The External Information and Security Agency (Agenzia Informazioni e Sicurezza Esterna, or AISE) has the task of researching and processing all the information needed to defend the independence, integrity and security of the Republic from threats from abroad. The Internal Intelligence Agency (Agenzia Informazioni e Sicurezza Interna, or AISI) deals with any internal threat and subversive activity, and any form of criminal or terrorist aggression. The Department of Security Information (DIS), which is responsible to the prime minister, coordinates the planning of research, analysis, and operations by the AISE and AISI.<sup>27</sup>

The Committee for Strategic Anti-terrorism Analysis (Comitato Analisi Strategica Antiterrorismo, or CASA) is an inter-agency committee chaired by the chief of police and with members from the Polizia di Stato, Carabinieri, secret services (the AISE and AISI), Guardia di Finanza, and Directorate for Prisons Administration (Dipartimento Amministrazione Penitenziaria). The CASA deals with current national and international threats, but not at an investigative level. Because all the information it deals with is highly sensitive, we were not granted an interview.<sup>28</sup>

In terms of the ballistics and forensics sector, the Scientific Investigation Department of the Carabinieri (RIS) and the Italian Scientific Police (Polizia di Stato) are both national bodies and have the same duties of cooperating in investigations and sharing ballistics information via the Integrated Ballistics Identification System (IBIS).

### 1.3 Policy

An analysis of Italian policy to combat the illicit firearms market and terrorist access to firearms requires an examination of both policies to control firearms and policies to counter organised crime and terrorism.

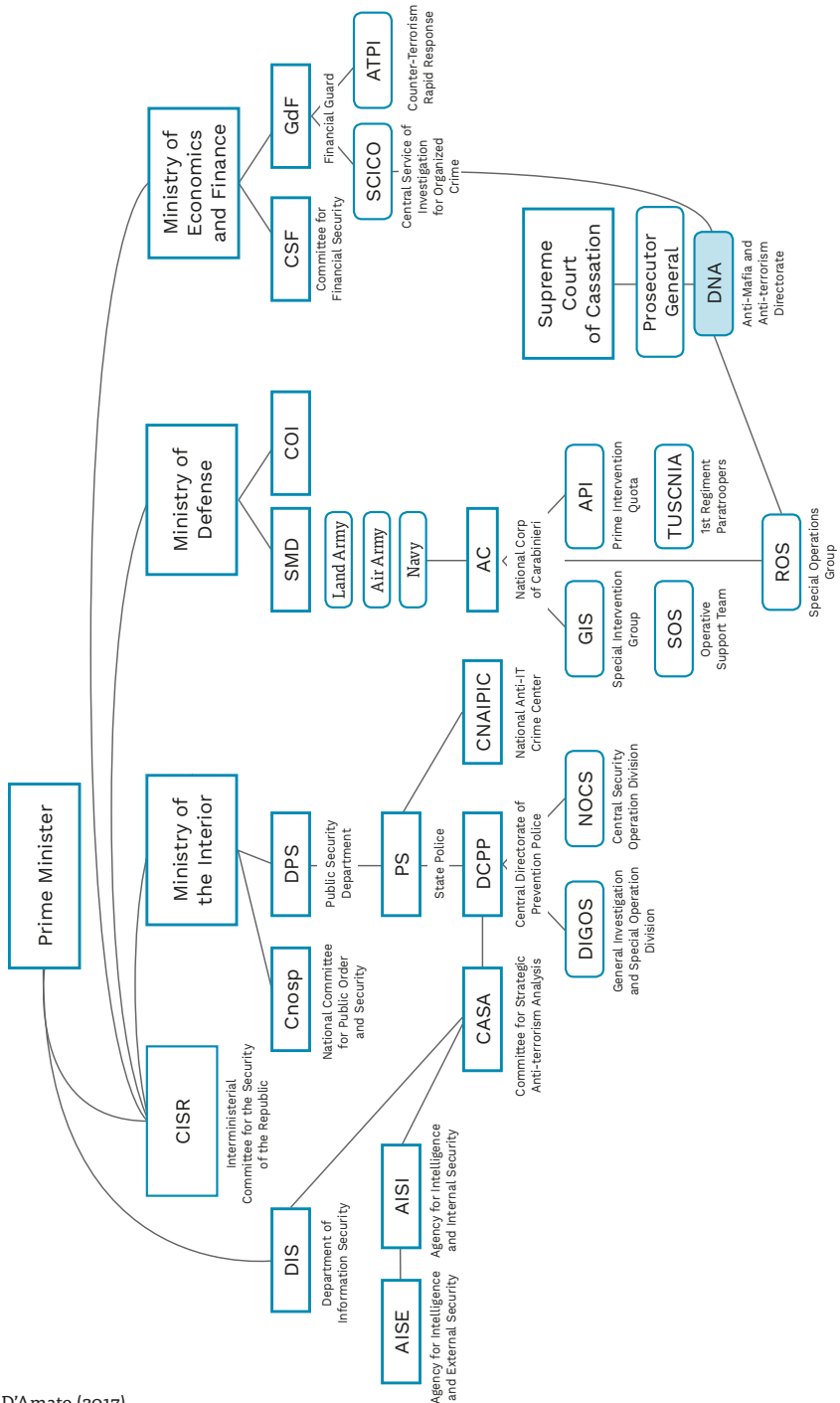
#### 1.3.1 Policies to control firearms

##### Licensing requirements

The police have adopted a policy of limiting licence renewals in order to control firearms. In the last few years the number of licences issued for personal defence has decreased, due to increased refusals by *questure* (Table 2). The principle of self-defence has formed part of Italian law since 1930 under article 52 of the Criminal Code. In 2006 (Law 59), the definition of self-defence was widened, allowing a weapon to be used for self-defence in certain specific circumstances. A new reform further extending the circumstances in which firearms can be used for self-defence is under discussion at the time of writing, although it has been subjected to considerable criticism.<sup>29</sup>

Moreover, Law Decree 121/2013, which has been implemented since May 2015, introduced the requirement of a health certificate proving an applicant's psycho-physical fitness for the issuance of a firearms licence. Such a certificate is issued by local health agencies or by military or State Police medical offices and health facilities. After 2015, hundreds of firearms were handed over to the police by private individuals who could not comply with the health certificate requirement.<sup>30</sup>

**Figure 2: Structure of Italian agencies and bodies responsible for fighting terrorism**



Source: D'Amato (2017)

Registration

Italian law prescribes that any rifled firearm imported or manufactured in Italy after 1976 should bear a serial number assigned by a commission composed of government officials and representatives from the Italian arms industries. The commission's role was to decide if a rifled firearm should be classified as either a weapon of war or a common firearm. The National Catalogue of Firearms (Catalogo Nazionale delle Armi Comuni da Sparo) described the characteristics of the weapon (barrel and overall length, number of rounds in the magazine and other technical specifications); these characteristics could not legally be altered without resubmitting the weapon to the commission for reclassification. In 2012 the catalogue and the related commission were abolished by the Economic Stability Law.<sup>31</sup> Their place was taken by the Banco Nazionale di Prova (National Proof House, or BNP) in Gardone Val Trompia, which is institutionally the technical supervisor of the conformity of firearms and ammunition to technical and legal standards, and can therefore be considered the 'registry office' of all weapons produced in Italy and most that are imported. The BNP admits or rejects firearms pending importation from non-CIP<sup>32</sup> countries, while simultaneously maintaining an electronic record of the characteristics (long or short firearm, European firearms category, manufacturer, magazine capacity, etc.) of the firearms whose sale is permitted. The number of tested firearms is publicly available (Table 3); however, no track is kept of where these arms go after proofing.

Table 3: Firearms registered by the National Proof House, 2011-2015

Type of firearm	2011	2012	2013	2014	2015
Long firearms (hunting and sport)	381,136	406,576	500,617	439,144	N/A*
Short firearms (sports and common)	149,672	214,955	260,620	190,430	N/A
Replicas and muzzle-loading firearms**	74,597	96,441	122,692	113,674	N/A
Blank-firing firearms	127,032	92,347	113,958	95,217	N/A
Single parts	27,110	37,263	29,756	40,356	N/A
<b>Total</b>	<b>759,547</b>	<b>847,582</b>	<b>1,027,643</b>	<b>878,821</b>	<b>797,037</b>

Source: BNP

\* Data not available.

\*\* These are not considered to be firearms in many EU countries.

The BNP does not classify arms according to their civil or military use (as the catalogue was meant to), with this having been clarified by Annex 1 to Directive 91/477/EEC.<sup>33</sup> Although Italian law requires marking only for common firearms, Italian firms already voluntarily mark military weapons during the manufacturing process. Moreover, the Ministry of Defence must test all military weapons manufactured by private industry.<sup>34</sup>

Each firearm is marked with a unique serial number, the year of import, the country of origin and the marking of the Italian Republic (or some other marking for firearms imported from a country outside the EU).<sup>35</sup> A firearm is considered illegal if it does not have one of these marks (L.110/1975, art. 11). With the exception of Germany, the Italian BNP is very advanced and is considered one of the best among CIP countries.<sup>36</sup> Due to the experiences of the 1970s – during which kidnappings, knee-cappings, robberies, executions and bombings were ubiquitous – Italy has developed an advanced legal framework for the deactivation and demilitarisation of firearms.<sup>37</sup> Firearms certified by the BNP are no longer convertible.

### Record keeping

According to interviewees, it is impossible to keep track of registered firearms in Italy. The BNP has a record of firearms, but does not know where they are, while the producer does not know what happens to its firearms after they are sold: ‘A firearm’s identity card exists only for a short time after the firearm’s production, but it does not follow the firearm throughout its life.’<sup>38</sup>

In terms of record keeping, Italian law requires licensed firearms dealers to verify the eligibility of purchasers (through licences) and maintain records of gun purchases, which must be forwarded to the police on a monthly basis.<sup>39</sup> Each gun shop provides data to local police headquarters, but no harmonised database of licences is available to gun shops.<sup>40</sup>

Italian law enforcement agencies collect data when weapons are stolen and on recovered firearms reported by all police forces across the national territory, and these data are included in the inter-forces database (Sistema d’Indagine, or SDI).<sup>41</sup> The SDI is run by the Criminal Police Central Directorate.<sup>42</sup> According to the UAMA, Italian national databases contain all the information related to a firearm’s recorded movements (stolen, illegally acquired, bought or owned by private individuals, destroyed, seized, removed from depositories, unmarked, etc.), and records are kept for 50 years.<sup>43</sup>



Information on firearms is also stored in the IBIS database (known as the Archivio Ballistico Nazionale Elettronico), which is checked whenever a firearm is found,<sup>44</sup> but this information is not exhaustive and often it is impossible to ascertain the origin of the firearm.<sup>45</sup> When firearms are seized, they are generally sent to the RIS (Carabinieri) to check if they have been used previously in other incidents. The authorities in charge check both IBIS and the Interpol Ballistic Information Network (IBIN). Because organised crime groups, especially mafia groups, generally use a weapon only once, IBIS often fails to provide a positive match.

### 1.3.2 Policies to combat organised crime and terrorism

Italy is the country of origin of some of the most important organised criminal groups that are capable of acting on a global scale in any type of illicit trafficking (see section 2.2). It is worth emphasising how the territorial roots of these organisations, their ability to infiltrate legal markets, the international ramifications of their presence and their extraordinary capacity for social conditioning have compelled the Italian state to develop one of the most advanced anti-mafia laws in the world.<sup>46</sup> When the recent surge in international terrorism required preventive and investigative structures, these were already in place in Italy as a result of the fight against mafia groups. Another peculiarity of the Italian context and its rich history of politico-criminal violence is that criminal organisations appear to have started using terror tactics as a result of their strategic interaction with repressive state action.

During the 1970s counter-terrorism measures were part of emergency legislation, while during the 1980s these measures focused on the collaboration of (internal) terrorists with the justice system. In the 1990s Italy changed its approach to addressing terrorism: the new generation of counter-terrorism measures aim not only at repressing the phenomenon, but also preventing it.<sup>47</sup> From the brief analysis of the reconstruction of the major interventions in the anti-terrorism law framework since 2000 (see section 1.1), one can observe how in the past 16 years the government has adopted three law decrees (emergency laws) to tackle the threat constituted by the rise of a new form of international terrorism. One may observe that – as elsewhere in Europe and beyond – this process was incident-driven, or anchored in emotional waves among the public triggered by terrorist attacks, and there was therefore limited capacity to shape a harmonious and organic preventive strategy. In a nutshell, the legislative approach is aimed at countering terrorism with increased preventive measures by extending the areas/activities covered by the law, so as to cast a wider net and impose more severe prison sentences in the hope of neutralising threats and preventing attacks.<sup>48</sup> From 2001 the focus has been on the prevention of Islamist radicalisation and jihadist recruitment by criminalising

assistance to associates, such as, among other things, imposing severe sentences for all criminal associations, including terrorist ones; the expulsion of imams<sup>49</sup> accused of fomenting hatred; monitoring places frequented by Islamist radicals and jihadist suspects; and establishing an Islamic Council (*Consulta per l'Islam Italiano*) under the Ministry of the Interior.<sup>50</sup>

More recently, the most significant step was the inclusion of anti-terrorism powers under the DNA since April 2015.<sup>51</sup> To better operate in the new field of counter-terrorism, DNA prosecutors are improving staff training and developing international cooperation with Eurojust and the judicial authorities of other countries, especially Balkans countries, including excellent cooperation with Albania and Serbia.<sup>52</sup> All national authorities dealing with the fight against illicit firearms markets appear to have been involved in tackling organised crime and internal terrorism since around the 1990s, and have improved their skills to deal with the new challenges presented by international terrorism.

The DNA and its SIDDA/SIDNA database constitute a reference and analysis centre for the Italian judicial information system. SIDDA/SIDNA is the *Sistema Informativo Direzione Distrettuale Antimafia/Sistema Informativo Direzione Nazionale Antimafia* (at the district level of DDA and the national level at the DNA). This is one of the most advanced databases in the world (especially among those for judicial use), which allows data processing related to serious crimes<sup>53</sup> throughout the country.<sup>54</sup> It draws on data from over 50 remote databases, including all Italian police and administrative databases, as well as those of phone companies. By preventing the fragmentation of information on terrorism-related offences, it provides timely support to judicial and non-judicial evaluations. Big data and modern analytical tools allow preventive measures to be taken based on the availability of real-time data.<sup>55</sup> Furthermore, there is constant information exchanges among the prosecutors in the DDA and DNA, since local DDA deal with criminal offences potentially related to terrorist-subversive criminality (so-called 'flag crimes').<sup>56</sup> The illegal possession of arms and explosives is considered a flag crime. The Italian Ministry of Justice has made the SIDDA/SIDNA database available to the Serbian Special Prosecutor's Office fighting organised crime.<sup>57</sup> The national anti-mafia and anti-terrorist prosecutor stated that 'Our aim is to export this database system to all the prosecutors in the Balkans region, in order to harmonise the various systems ... if we all have the same system, it will be easier to communicate and exchange data'.<sup>58</sup>

## 2. Characteristics of the illicit firearms market in Italy

As with other EU countries, most weapons circulating in Italy's black market come from the legal market and are diverted into illegal environments. Illicit production, mostly by small-scale craftsmen, represents only a small share of the market.

### 2.1 Size of the illicit market

There are only a few studies of the illegal firearms market in Italy, with rough estimates of its size and proceeds. Existing international estimates assess the size of the illegal firearms market at between 10% and 20% of the total volume of the legal market.<sup>59</sup> Reliable and accurate official data on legal firearms possession in Italy is currently not available. Although weapons should all be reported to the authorities, at present there is no accurate and official available data on legally held firearms in the country. The last available data from the EURISPES report (2008) mentions 10 million firearms in Italy.<sup>60</sup> In addition, the specialised website Gunpolicy.org provides unofficial and outdated estimates of privately owned firearms in Italy (both licit and illicit), with a total of around 7 million firearms, as well as government firearms, 1,600,000 of which are owned by the military and 420,000 by law enforcement agencies. The National Association of Arms and Ammunition Producers (Associazione Nazionale Produttori Armi e Munizioni, or ANPAM) has stated that the market for sporting firearms and ammunition had a total turnover of €100 million in 2016, 50% of which was constituted by ammunition, 25% by long firearms with smoothbore barrels, 12.5% by long-barrelled rifled firearms, and 12.5% by handguns.<sup>61</sup>

Because reliable data and sources that could be triangulated are lacking, it is impossible to accurately estimate the number of illicitly held firearms in Italy. It is currently not even possible to ascertain how many firearms are seized each year. Data on seizures for the period 1993-2000 are partially available from secondary sources.<sup>62</sup> No national authority is responsible for collecting a total number, and the three agencies in charge of seizures (Guardia di Finanza, Polizia di Stato and Carabinieri) collect their own data, but these figures are not publicly available. The FIRE<sup>63</sup> international research project compiled an interactive database with seizure cases for each country from 2010 to 2015, based on news sources. Given the reliance on non-comprehensive and unofficial data, most of the findings that were obtained are of an approximate nature. According to Transcrime's contribution to FIRE, Italy holds an important position in Europe for the number of firearms seizures in the period 2010-2015, with 493 cases documented, second only to the Netherlands (555

cases).<sup>64</sup> In terms of numbers of incidents involving illicit firearms, Italy ranks first, with 1,589 incidents, representing over one-third of the EU total.

In addition, the data on lost or stolen firearms and data on destroyed firearms are stored in the police SDI database, but are not publicly available. UN sources allow one to retrieve partial data on the destruction of firearms in Italy for the period 2005-2009. In 2009 the Italian Army destroyed 15,027 surplus firearms, which is a much lower number than in previous years (169,925 in 2007; 140,088 in 2006; 37,371 in 2005).<sup>65 66</sup>

Another way of identifying the size of the illicit firearms market is by examining the revenue of mafia groups, but here data also appear to be deficient and outdated.<sup>67</sup> By drawing on official reports and news sources, one can infer that organised criminal groups own large numbers of weapons, but detailed information is highly fragmented and unsystematic: most of the details come to light as a result of law enforcement seizures.

## 2.2 Actors on the illicit gun market

The main protagonists in the illicit supply of firearms in Italy are organised criminal groups. They usually engage in arms trafficking in addition to other illicit activities, using their expertise in illicit trafficking, and relying on well-established routes and contacts. Paoli states that 'Italy's most important criminal coalitions are increasingly succeeding in penetrating the "wholesale" sector of international arms trafficking, participating in sizable and highly profitable transactions'.<sup>68</sup>

The main mafia groups in Italy are the Cosa Nostra, 'Ndrangheta, Camorra and Sacra Corona Unita. These groups are respectively based in the southern regions of Sicily, Calabria, Campania and Apulia, but have branches spread throughout Italy and abroad.<sup>69</sup> In periods of mafia wars, in particular in Sicily and Calabria, mafiosi were among the most important customers of international arms markets. Once they gained control over the supply sources, they became sellers of firearms.<sup>70</sup> Mafia groups purchase firearms both to commit crimes (homicides, intimidation and extortion) and to sell on to others. They trade arms with other criminal groups, mainly in exchange for illicit goods like drugs. Among the organised criminal groups based in Italy, Europol finds that the 'Ndrangheta and Albanian criminal groups are most involved in the illegal firearms trade.<sup>71</sup> The most recent reports by Italian law enforcement agencies emphasise the involvement of both Italian mafia groups and foreign criminal organisations (Bulgarian, Albanian, Russian and African) in the trafficking of illegal firearms, even though no specific details are

made available.<sup>72</sup> According to our interviewees, there are strong contacts with organised criminal groups from Albania, which seems to be the only foreign criminal groups acting as firearms suppliers in Italy.<sup>73</sup> As one interviewee puts it, 'You have to negotiate with Albanians who are in Italy. You don't go to Albania yourself, but you ask them. Those who need serious firearms look for an Albanian intermediary. They send him to acquire a sample of the firearm to avoid a dud, test the firearm and finalise the purchase.'<sup>74</sup>

Besides Italian and foreign organised criminal groups, a number of other actors are also linked to the illicit gun market in Italy. Another group of actors in the Italian illegal firearms market is made up of illegal gun owners who are not directly linked to criminal or terrorist groups, but who possess firearms without having the necessary permits. This relatively amorphous category includes both individuals acting negligently and those with criminal intent (e.g. theft, poaching). The former are less of a security concern: they merely possess firearms without having the necessary permits. Of more concern are illegal gun owners with criminal connections. Ineligible buyers, such as members of criminal groups, tend to obtain guns from the legitimate market through 'straw purchasers' – relatives, friends or ordinary citizens with a gun licence who buy firearms on their behalf and then usually report them stolen. The serial numbers on these firearms are usually removed. Because a straw purchaser is not likely to be able to acquire more than one gun in this way, the mafiosi seem to rely on more structured sources of supply to maintain their stocks of weapons.<sup>75</sup> Corrupt officials and professionals also play a role in the illicit circulation of firearms,<sup>76</sup> with public officials stealing firearms from official stocks and selling them on the black market. Finally, hobbyists and amateurs alter and reactivate firearms.

### 2.3 Availability and prices of firearms

Given the clandestine nature of the illicit firearms trade, only limited information is available on the types, quantities and value of the illicit firearms in circulation. Only seizure information disaggregated by weapon type, model, and the circumstances of the seizure can help to determine whether unusual or new types of equipment enter illicit markets, identify the transfer routes of specific models, and potentially reveal new flows.<sup>77</sup> Below we discuss recent literature on Italian organised criminal groups, seizure information from news sources, and interviewees' views in order to sketch a likely scenario.

Most Italian organised criminal groups possess their own supplies of firearms, which are usually old and varied, including guns, revolvers, AK-47-pattern assault rifles and converted firearms. During periods of shortage they even use Second

World War-era firearms or modified toy guns. Some organised criminal groups have access to large stockpiles of sophisticated weaponry, including military firearms and even bazookas.

According to Massari, *“they generally prefer to use 7.65 mm machine guns and revolvers, as well as 9 x 21 mm pistols – the model used by Italian police. AK-pattern assault rifles are also widely used, since they seldom misfire, cost less than their market equivalent (M16), and are best known by members.”*<sup>78</sup>

AK-47 assault rifles still work even if they have been buried for years,<sup>79</sup> and they are often found in seizures of weapons stocks, together with hunting rifles, old carbines, firearms from the Second World War, firearms stolen from security guards, machine guns, Uzis, Kalashnikovs, and semi-automatic handguns.<sup>80</sup> According to the police, Kalashnikov replicas manufactured in China circulate in the Italian illicit market, after having been legally purchased in Balkan countries and then trafficked to Italy.<sup>81</sup>

Information on the firearms discovered during recent large-scale seizures confirms this picture of varied weapons holdings. During Operation Lethal Arm in June 2015, for example, over 200 firearms were seized in the area around Milan and Brescia, including six machine guns (Browning, MG, M60, Breda, Sokolov), 24 automatic firearms (Uzi, Beretta M12, H&K MP5, Steyr, Sten),<sup>74</sup> semi-automatic and automatic rifles (Kalashnikov AK-47, Colt M16, FAL, Thompson), and 76 handguns (Beretta, Colt, S&W, Tokarev).<sup>82</sup> In March 2017 the Italian police raided the ‘headquarters’ of a gang that hijacked security vans (*portavalori*) in Milan and recovered Kalashnikovs, a shotgun and handguns.<sup>83</sup> In addition, news sources<sup>84</sup> reported the seizure of 13 shotguns, eight handguns and 1,200 pieces of ammunition during a seizure in Crotone (Calabria) in April 2017 (see Box 3). The majority of the firearms seized in Crotone are produced in Italy, but none has a serial number, so the authorities could not immediately trace their origin. More likely these are old firearms resulting from thefts from private homes or gun shops.

With regard to prices, in 2012 Federica Angeli<sup>85</sup> conducted an in-depth investigation of firearms black market dynamics in Rome. The retail prices of firearms that were published as a result of this study (Table 3) were confirmed by our interviewees. Prices differ according to whether the firearm is new or second-hand. According to the Italian police ‘there are real price lists for firearms, ranging from €500 to €3,000, based on the “neatness” [*pulizia*] – meaning previous criminal uses – of the firearm and its efficiency’.<sup>86</sup> According to another and more recent media source investigating the illicit firearms market in Rome, prices can go even lower: €250 for a semi-automatic gun, €2,000 for a Kalashnikov and €1,000 for an Uzi sub-machine gun.<sup>87</sup>

Box 3: Firearms seized in Crotone in April 2017

- One Beretta A304 Silver Lark shotgun, 12 gauge, with erased serial number
- One Franchi 520 shotgun, 12 gauge, with erased serial number
- Two Benelli Monte Feltro Super 90 shotguns, 12 gauge, with erased serial numbers
- One Benelli M2 shotgun, 12 gauge, with erased serial number
- One Benelli Argo rifle, 30-60 calibre
- One Franchi 500 shotgun, 12 gauge
- One rifle *tipo*<sup>88</sup> Doppietta Acier Cockeryll, 12 gauge, without a serial number
- One Beretta A301 shotgun, 12 gauge, with erased serial number
- One Benelli 121 shotgun, 12 gauge, with erased serial number
- One Benelli shotgun, 12 gauge, with erased serial number and model
- One *tipo* double-barrelled P. Lorenzotti shotgun, double trigger, 12 gauge, without serial number
- One Acier Cockeryll double-barrelled shotgun, without serial number
- One CZ 99 handgun, 9 mm calibre, with erased serial number
- Two Beretta 70 handguns, 7.65 mm calibre, with erased serial numbers
- One P38 handgun, 9 mm calibre, with erased serial number
- One P38 handgun, 9 mm calibre
- One Smith & Wesson .44 Magnum calibre handgun, with erased serial number
- One SFRJ handgun, 7.53 mm Mauser calibre, with erased serial number
- One Marca Star 30P handgun, 9 mm calibre

Table 4: Retail prices of some firearms circulating on the black market in Rome (in euros)

Model	New	Second-hand
9 x 21 mm semi-automatic handgun	1,700	700
38 mm handgun (special and revolver)	1,400	700
Assault rifle	2,000	–
Sub-machine gun	3,000	2,000

Source: Angeli (2012)

## 2.4 Supply chains for the illicit firearms market

The illegal production of firearms is generally not considered to be one of the most important sources of firearms for the illegal gun market in both Europe in general and Italy in particular. The overwhelming majority of illicit firearms were legally produced, but at some point have leaked into the illegal market.<sup>89</sup> Licit firearms can be diverted during transportation, by leakage from factories or surplus stocks, and by theft from stockpiles or individual owners. They can also be trafficked from abroad or converted through reactivation, modification or conversion. Diversion during transportation is not easy in the framework of the strict Italian legislative framework governing the movement of firearms, but it is still possible that a completely licit transaction on paper does not happen in reality, and weapons disappear to unknown destinations thanks to fake end-user certificates that are often obtained through bribery. According to police sources, the 3D printing of firearms in Italy is not an issue, and from the monitoring of the dark web it appears that most of the sales advertised there are in fact frauds.<sup>90</sup> Therefore, in terms of firearms procurement, three main patterns can be identified that are relevant to Italy: (1) smuggling; (2) reactivation or alteration;<sup>91</sup> and (3) theft.

### 2.4.1 Smuggling

The Balkans region has been a major source of firearms since the end of the Cold War due to the presence of many stockpiles in the region that experienced major leaks or were looted. The internal demand for firearms in the Balkans has decreased, and so has arms trafficking, because there are currently no active conflicts in the region. During the mid-1990s the easy availability of huge amounts of cheap weapons from the Balkans – AK-47 assault rifles were sold for US\$300 dollars or less – permitted a substantial increase in the size of the Italian mafia's weapons holdings.<sup>92</sup> Drawing on seizure data in the 1990s, police officials confirm that most of the illegal weapons in circulation among organised criminal groups in Italy were of foreign origin, primarily Yugoslav, Albanian or East European.<sup>93</sup> The availability of cheap, powerful weapons created a demand among Italian organised criminal groups for this new kind of equipment.

According to some interviewees and news sources, in 1994 a large cargo ship from Ukraine was seized and found to contain two thousand tons of arms (including shotguns and rockets) destined for conflict areas in the former Yugoslavia, in violation of the UN embargo.<sup>94</sup> The seized arms were taken to Italy to be destroyed, but after being stored at various sites,<sup>95</sup> they were not destroyed and are still extant,



having been either sent by the government to the Iraqi Kurds in 2014<sup>96</sup> or falling into the hands of organised criminal groups.<sup>97</sup>

In 1996 the police discovered large numbers of weapons in San Giuseppe Jato, Sicily, a village 40 km from Palermo. At that time this was the largest arsenal that law enforcement agencies had ever discovered in Italy. Police seized two underground bunkers that contained, among other weapons, ten missiles, ten bazookas, 50 AK-pattern assault rifles, 35 pistols, seven sub-machine guns, ten anti-tank bombs, 400 kg of explosives, and some bulletproof vests. Most of these weapons originated in Eastern Europe, the former Yugoslavia, Iran and Afghanistan.<sup>98</sup>

According to experts on mafia groups, 'Ndrangheta families started to live in Balkans countries during the conflicts there in the 1990s, when the international trade in firearms was fed by suppliers from the former Soviet bloc. They became brokers, buying and selling arms, and becoming central to the firearms market. These weapons from the former Soviet Union still supply the market today, which is demonstrated by the fact that there are very well-established 'Ndrangheta networks in the Balkans area, especially in Bosnia.<sup>99</sup>

In 2012 Angeli reported that 90% of illegal firearms in Rome originated from the Balkans, especially Croatia.<sup>100</sup> All our interviewees agreed that Balkans countries are the major sources of illicit arms in Italy, specifically Albania, Bosnia, Croatia and Slovenia. In addition to the huge availability of arms and the much cheaper costs compared to Italian weapons, it is also worth stressing the use of well-consolidated routes and criminal networks for multiple trafficking activities.

More recently, in 2015 in the northern city of Udine, the ROS of the Carabinieri reported a case of arms trafficking from the Balkans. The investigation documented how the supply chain originated in Croatia, where weapons were easily obtained from a military depot with a falsified firearms control system. Firearms were then sent to and sold in Slovenia at the Militaria arms fair – a collectors' event that takes place every six months in Sempeter pri Gorici (close to Nova Gorica).<sup>101</sup> In Italy it is forbidden to sell firearms at arms fairs, unlike at the *bourse aux armes* in Switzerland, where firearms auctions are allowed. On Italian soil only arms expos are allowed, but no sale are permitted on site.<sup>102</sup>

According to police sources, transport overland seems to be the preferred way of smuggling firearms, with weapons carried in hidden compartments in cars, vans and trucks. Transportation overland from northern Italy in double-bottomed trucks has been the easiest method used for the last 20 years.<sup>103</sup> Thus, northern Italy (e.g. Udine, Venice, etc.) is a key area for seizures, which mostly occur along borders,

especially in regions close to third countries with stockpiles; in close proximity to large ports; and in regions with a strong presence of organised criminal groups. According to investigative authorities, Gioia Tauro has given way to Rotterdam as the port of preference for firearms smugglers, because when seizures exceed 20% of smuggled goods, the mafiosi prefer to change port: 'Mafiosi can always change ports; this is the strength of the 'Ndrangheta.'<sup>104</sup> Large cargo ships have been replaced by small speedboats, due to the tightening of controls in ports. On the Apulian coast, for example, the Guardia di Finanza is specifically equipped to detect illicit goods smuggled in this way.<sup>105</sup>

According to the police, a new strategy involves sealed 'torpedoes' (sealed containers) towed by speedboats, which are unhooked near the coast and later retrieved by the intended recipient with very little risk.<sup>106</sup> Both media sources and the DIA have also mentioned ultralight aircraft as a way of transporting drugs.<sup>107</sup> All the interviewees agreed that firearms are not arriving with migrants by boat (as was happening in the 1990s from Albania) via the route that is currently known as the central Mediterranean route from North Africa, because migrant boats are intercepted by coastguards and migrants are rescued by law enforcement agencies, which would mean that arms smuggled in the same boats as migrants would be seized.<sup>108</sup>

A recent media enquiry unveiled a possible nexus between illicit firearms trafficking and art trafficking, but this is the only source of the reported link.<sup>109</sup> A *La Stampa* journalist pretended to be an art collector and uncovered illicit art-for-weapons trade in southern Italy among the 'Ndrangheta and the so-called Islamic State of Iraq and Syria (ISIS). According to him, Italian crime gangs reportedly sold weapons to ISIS in Libya in exchange for looted antiquities. According to the report, various organised criminal groups are involved in this ring: the Russian mafia provides firearms from Moldova and Ukraine; the Italian mafias (especially the Camorra and 'Ndrangheta) arrange for the exchange; and the Chinese mafia is in charge of shipments. Chinese-flagged cargo ships usually transit from Sirte to the Calabria port of Gioia Tauro. Antiquities are then sold on to collectors in Russia, China, Japan and the Gulf states.<sup>110</sup> However, we have no official information on this trade. Our respondents were not prepared to confirm speculations about logistical links between mafia groups and terrorists in Italy.

### 2.4.2 Reactivation

According to interviewees, Italy is a good place for reactivation due to its extensive firearms production facilities and the related local expertise. Until the 1980s the 'Ndrangheta and other mafia groups reactivated firearms left by US soldiers at the end of the Second World War.<sup>111</sup> Yet the reactivation of firearms currently seems to be minimal, and not significant in terms of numbers.<sup>112</sup>

#### Box 4: Trafficking from Slovakia and reactivation in Sicily

In 2015 there was a case of the illicit trafficking of 151 reactivated firearms (86 sub-machine guns, 45 rifles, 17 pistols and three revolvers) and several kinds of ammunition in Catania (Sicily) that involved two members of the Cosa Nostra (from the Ceusi clan). The two individuals bought the weapons from an online shop in Slovakia (AFG Security) for approximately €46,300 and imported them into Italy without a licence.<sup>113</sup> The deactivated firearms transited overland from Slovakia to Austria, where they were delivered to a courier used by the Slovak online shop to send firearms to Western Europe. From Austria, the firearms reached Catania, where they were reactivated. A lever had been inserted in the barrel to deactivate the weapons, and this could easily be removed.

Ballistics analysis revealed that the firearms had been deactivated using a procedure that was not compliant with Italian legislation. This deactivation procedure, known as the 'movie prop' method, was permitted in Slovakia and could be easily circumvented to reactivate firearms. Once reactivated, the firearms were supposed to be sent to Malta, but when they were detected by X-ray in Catania they were seized by the Italian authorities. The authorities only found ten to 15 firearms.<sup>114</sup> According to the prosecutor in charge, Malta could not have been the final destination since there is no war there, there are strict gun controls on the island, and there is no firearms trade there for the kind of weapons that were found. The firearms were presumably intended for criminals in Egypt and the surrounding areas who were involved in illicit trafficking in people and drugs.<sup>115</sup>

According to EFFECT researchers, modifications of arms do happen, but 'not always and not only conducted by organised criminal groups'.<sup>116</sup> Firstly, amateur gunsmiths (*armaioli*) offer their expertise and skills in their workplaces or at home. They

usually do not know the firearms' end use and are not necessarily linked with organised criminal groups, but are what could be called micro-criminals. In most documented cases handguns and double-barrelled shotguns were reactivated to make them capable of firing live ammunition. There were also cases of disguised firearms, such as guns built into pens.<sup>117</sup> Secondly, collectors can play a dual role, and while posing as collectors they are actually brokers who buy deactivated weapons and then reactivate them. Their role as collectors allows them to gain access to decommissioned weapons.<sup>118</sup>

According to a DNA prosecutor, several craft workshops are able to convert toy guns into lethal weapons, and are mainly located in the Neapolitan, Palermitan and Catanese areas: 'Small craftsmen are quite inexpensive; they are outsiders of organised crime, but they are trustworthy people while contacts [i.e. artisans] in the Balkans are totally unreliable, and are often used only once.'<sup>119</sup> According to other interviewees, Calabria and Sicilia are the main centres for the reactivation of firearms. In Calabria, the port of Gioia Tauro hosts the clandestine modification of firearms in containers.<sup>120</sup> During the mafia wars fought at the end of the 1980s, murders were frequently committed using sawn-off shotguns.<sup>121</sup>

The source countries of reactivated firearms are often other EU countries (see Box 4).

### 2.4.3 Thefts and leakages

Thefts from gun shops were one of the most popular terrorist and mafia procurement methods in the 1970s. An interviewee from the DNA remarked that until the 1990s there had always been 'Cosa Nostra gun shops' in Sicily. These were the Cosa Nostra's own gun shops, run by its frontmen, where a theft could be simulated, allowing the group to take the firearms it wanted. However, nowadays this is no longer possible, because controls have been tightened and applications to open gun shops are more rigorously screened by the administrative and judicial authorities. Gun shops of any significance no longer exist, but there are trustworthy artisans who can reactivate or convert firearms (see above).<sup>122</sup>

According to Massari, *"almost 70% of the thefts of legally owned civilian-held firearms in Campania had been faked; the guns were not stolen but voluntarily given to mafiosi. This type of procurement represents an important channel used by organized crime to secure 'clean' weapons for homicides and other crimes"*.<sup>123</sup>

Sometimes mafia weapons holdings include firearms stolen from private homes or security guards: for mafia groups, stealing a security guard's gun is a way of testing

the courage of new members.<sup>124</sup> According to an interviewee from the arms lobby, the storage of firearms is a major problem for legal owners, due to the increase in thefts of handguns.<sup>125</sup> The EFFECT report highlights how the number of stolen firearms has increased with the increased numbers of thefts from apartments.<sup>126</sup>

According to the DNA, leakages from factories no longer occur: this was a major source of firearms for internal terrorist groups in the 1970s.<sup>127</sup> Government stock-piles are still at risk of being targeted, however. Corrupt members of the security forces may allow firearms to be diverted by sabotaging control systems, or state officials can themselves be stealing weapons.<sup>128</sup>

Huge numbers of firearms are stored at destruction sites. The destruction of firearms in Italy is carried out by the Direzioni di Artiglieria under the army logistics command in the Ministry of Defence. Specific sections deal with firearms destruction: the Centro Rifornimenti e Mantenimento (CeRiMant), located in Naples, Padova, Rome and Milan; and the Sezione Rifornimenti e Mantenimento (SeRiMant), with units in Cagliari, Palermo and Treviso.<sup>129</sup> In April 2017 the Ministry of the Interior reported 'congestion in the armoury that is creating significant technical-logistical problems, and it is critical, in terms of security, to keep the weapons under custody'.<sup>130</sup> An interviewee stated that there is a waiting list for firearms to be destroyed, since not only seized firearms have to be destroyed, but also firearms with manufacturing defects and firearms handed over to the *questure* by private individuals who do not or cannot comply with licensing requirements.<sup>131</sup> <sup>132</sup> A significant case of arms leakage was recently discovered at CeRiMant in Padova (2017). A ballistics expert working as a fireman and his son smuggled entire weapons or their parts from the army section at Padova, assisted by a lieutenant and an employee working for CeRiMant. The serial numbers were then removed or parts were assembled into new weapons and subsequently sold on the Sardinian and Calabrian markets. The weapons were also used as payment for drugs sold by the 'Ndrangheta and then sent to Sardinia.<sup>133</sup> These firearms included semi-automatic guns of various sizes and brands; assault rifles, including several AK-47; Beretta 7.62 calibre FAL assault rifles; and Israeli-made Galil rifles.<sup>134</sup>

## 2.5 Dynamics of the illicit firearms market

The Balkans region appears to be the main origin of firearms on the current Italian illicit market. Our interviewees agreed that the market was very fragmented, lacking any single means of control or any convergence, although the 'Ndrangheta plays a significant role in the market that sells to organised criminal groups, with minor foreign criminal groups also emerging, mostly Albanians.<sup>135</sup> Mafia groups

have access to large supplies of weapons, and play a crucial role in the distribution of firearms in these circles. Seizures often take place based on information provided by mafia turncoats. Indeed, police tend to test the reliability of *pentiti* (turncoat informants) by asking them to locate hidden firearms stores.<sup>136</sup> Given the territorial organisation of mafia groups, each one usually has its own supplies of firearms.<sup>137</sup> 'In the case of both the Camorra and the 'Ndrangheta, the areas where these criminal organisations traditionally operate – Campania and Calabria – are “flooded” with large numbers of weapons.’<sup>138</sup> In both Sicily and Calabria most arms caches are discovered in rural areas, close to old houses, inside farm stalls, behind double walls, in bunkers, or in underground caches or wooden boxes, as was the case in the most recent major seizure (see Box 3).<sup>139</sup>

The illicit firearms market in Italy is not huge, since it does not aim to produce profits, serving more as an organisational method for structuring and strengthening organised criminal groups. In the past, for example, firearms exchanges occurred between organisations (e.g. Camorra and Cosa Nostra), while nowadays organised criminal groups access their own weapons, in particular from their contacts outside Italy.<sup>140</sup> According to both police and judicial sources, the illicit firearms market in Italy supports other criminal markets.<sup>141</sup> In terms of their financial value per weight of the weapons that are smuggled, firearms are definitely a much less profitable cargo. Smuggled Kalashnikovs would be much heavier and take up far more space than a shipment of cocaine or heroin worth an equivalent value, and the smuggled firearms would be far more difficult to conceal from law enforcement agencies. With the exception of mafia weapons stocks in hidden locations, both firearms and drugs are regularly seized. Firearms are often paid for with drugs, whose wholesale distribution in Europe is largely controlled by the 'Ndrangheta (or with cash, given the enormous profits provided by drug trafficking).<sup>142</sup>

According to a prosecutor, Albanian organised criminal groups carry weapons to protect the drugs while they are being trafficked, and then leave these firearms as a gift to their counterparts in Italy.<sup>143</sup> There is a long history of criminal links between Italian and Albanian organised criminal groups. During the 1990s smuggling routes that had traditionally been used for cigarettes and drugs were converted to accommodate the growing flow of migrants from Albania. In a report released in 2003, the Anti-mafia Parliamentary Committee stressed that during the 1990s firearms and ammunition travelled with migrants in small, fast boats along the same routes. According to police sources, by the end of the 1990s, with the Albanian arrivals, weapons were widely available, and 'quantities of weapons and drugs were exchanged'.<sup>144</sup> The strong partnerships established between mafia groups and foreign organised criminal groups facilitated a specific type of exchange of services: Italian organisations needed drugs and firearms in order to allow Balkans

organised criminal groups to manage the business of illegal immigration by sea along the Italian coast.<sup>145</sup>

In Italy, each organised criminal group manages the circulation of firearms in the area it controls, thus access to the market depends on the group's grip on its territory. According to an expert on the 'Ndrangheta, in Calabria it is difficult for other groups to enter the illicit market, while in other areas other organised criminal groups could become brokers, since the 'Ndrangheta deals mainly with large-scale trafficking of various kinds.<sup>146</sup> The purchase of firearms occurs among trusted contacts in the criminal network or customers whom intermediaries can vouch for.<sup>147</sup> According to media reports<sup>148</sup> that have been confirmed by the Italian police,<sup>149</sup> in Rome firearms are stocked in certain neighbourhoods, where buyers can choose the firearm they want or even rent one for a specific job.

### **3. Terrorist access to firearms in the illicit market in Italy**

#### **3.1 A history of domestic terrorism**

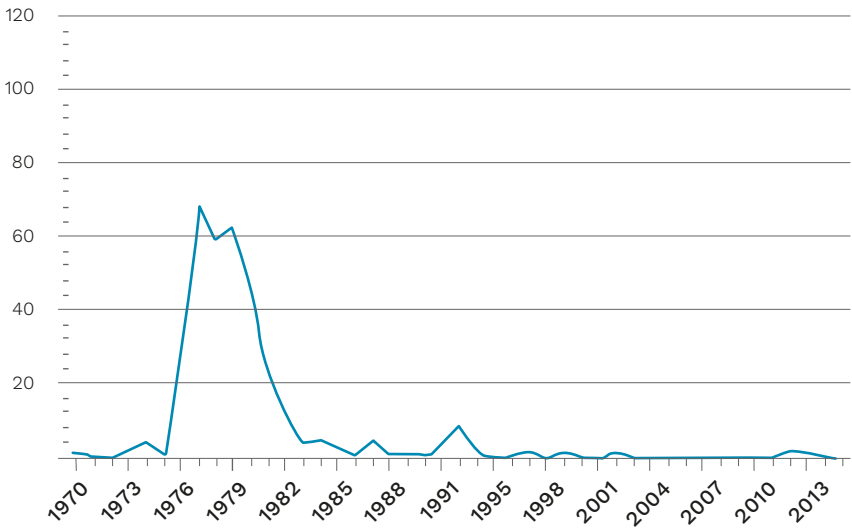
The first bomb to disrupt Italian society and lead the way for Italian domestic terrorism was set off by a neo-fascist group in a bank, the Banca Nazionale dell'Agricoltura, in Piazza Fontana in Milan on 12 December 1969. Since then, many different forms of terrorism have troubled Italy over the past five decades. Grievances against the Italian government in the post-war period generated political violence ranging from nationalist-separatist terrorism in the South Tyrol region near the Austrian border<sup>150</sup> to right-wing neo-fascist terrorism, left-wing Marxist and anarchist armed wings, Sardinian autonomy movements, and mafia groups.<sup>151</sup>

The terrorism that affected Italy was very fractured, with five key players: communists – mainly the Brigate Rosse (Red Brigades); the extreme right – fascists, with links to rogue segments of the secret services; anarchists; organized crime – mafia groups; and power-mongers – politicians and wealthy industrialists. Right-wing terrorists were responsible for the highest death toll of all terror attacks during the '*anni di piombo*', although in most instances these acts cannot yet be attributed to one specific organisation.<sup>152</sup> While left-wing organisations always claimed responsibility for attacks, the right-wing strategy was to cause massive insecurity through indiscriminate attacks on the population at large. Neo-fascists involved in major terror attacks were never caught red-handed and it was not until the mid-1980s that

trials of members of the militant Right began to shed some light on many terror incidents.<sup>153</sup> The twinned menace of terrorism and the so-called ‘strategy of tension’<sup>154</sup> gradually declined in the 1980s, with the cycle of right-wing terrorism culminating in the bomb at the Bologna station on 2 August 1980, which killed 85 people. A year later a masonic lodge known as P2 was discovered to have subversive political aims; its members included prominent figures in the armed forces, business and politics.<sup>155</sup>

The Global Terrorism Database records 1,545 terrorist attacks in Italy in the period 1970-2015, peaking at the end of the 1970s. While most attacks were carried out with explosives (685) or incendiary devices (458), 348 involved firearms.

**Figure 3: Terrorist attacks in Italy using firearms, 1970-2015**



Source: Global Terrorism Database (2015)

Of the 348 attacks involving firearms, 135 were committed by the Red Brigades, 48 by Prima Linea (an Italian Marxist-Leninist group), over 40 by other communist groups, and over 20 by extreme-right and neo-fascist movements (i.e. Armed Revolutionary Nuclei and the Italian Social Movement). The majority of attacks were armed assaults and the rest were attempted assassinations without any fatalities, while a few cases resulted in one or two deaths. As in Europe, in Italy the most



active groups – except attacks that were not claimed by any group or carried out by unknown perpetrators, representing 48% of the total – were mainly national groups: the Informal Anarchist Federation, the Red Brigades and neo-Nazi groups.<sup>156</sup> Besides internal terrorism, there were, among others, attacks by the Armenian Secret Army for the Liberation of Armenia (25 attacks between 1979 and 1981 using explosives and firearms), Palestinian attacks, and attacks by Euskadi Ta Askatasuna (ETA) Basque separatists at the beginning of the 1990s involving the planting of explosives at airports, tourist sites or businesses.<sup>157</sup>

It is believed that in the 1970s terrorists in Italy were able to access firearms via leakages from factories, thefts from gun shops and connections with mafia groups.<sup>158</sup> However, the authorities never managed to seize any Red Brigades weapons, so the source of their firearms could not be ascertained.<sup>159</sup> The most recent and relevant seizure of firearms from internal terrorists took place in February 2007. In Operation Tramonto the police seized three weapons of war<sup>160</sup> and four common firearms<sup>161</sup> from the Political-Military Communist Party (which had links to the Red Brigades).<sup>162</sup>

As some interviewees pointed out, firearms seized from suspected terrorist who were detained in high-security prisons in Calabria, in particular in the areas of Conigliano and Rossano, were identified as having been used in mafia-conducted assassinations. It seems that these guns originated from firearms leaked to mafia groups from seizures by the Italian authorities in the Balkans in 1991-1994 (see section 2.4). Mafia families needed money at the time and firearms were sold to obtain cash; however, since it was risky to sell them on the international market, they were sold to small gangs, small ethnically based criminal groups and terrorists.<sup>163 164</sup> The mafia's connections with Italian terrorism have facilitated relations with foreign terrorism. In fact, the 'Ndrangheta also played a relevant role in providing firearms to other terrorist groups at the European level, such as the Irish Republican Army (IRA) and the Basque terrorist group ETA.<sup>165</sup> In 2012 Operation Metropolis revealed that a senior IRA member, Henry James Fitzsimons, started to act as an intermediary for the 'Ndrangheta after the IRA abandoned its armed struggle.<sup>166</sup> Some media sources highlighted an alleged arms-for-drugs exchange between the Camorra and ETA in the 2000s, with ETA supplying drugs obtained from the Revolutionary Armed Forces of Colombia (the main Colombian insurgent group) in exchange for the Camorra supplying weapons from Eastern Europe, but further confirmation and details were not available.<sup>167</sup>

### 3.2 Islamist terrorism

No firearms-related terrorist attacks by international terrorist groups have occurred in Italy in recent years. The last such attack, in which semi-automatic weapons were used, was carried out at Fiumicino Airport in 1985 by Palestinians from the Abu Nidal group. More recently, in 2009 a Libyan man planted explosives in front of a barracks in Milan, but the bomb only partially exploded and he injured only himself. According to news sources, he was protesting against the presence of Italian troops in Afghanistan.<sup>168</sup>

In Italy no judicial proceedings have occurred involving the use of firearms by Islamist terrorists, nor even cases of foreign fighters or radicalisation where firearms are in some way involved. Some prosecutors highlight the first and only case of an investigation of Islamist terrorism involving firearms.<sup>169</sup> In Turin in 1998 an Egyptian citizen (Misbah Ali Hassanay Azab) with a false Yemeni passport was arrested with two other Egyptians (with regular documents) who were hosting him. The three were all suspected of being part of the group known as Egyptian Islamic Jihad.<sup>170</sup> A large number of firearms manufactured abroad were found in the garage of the house of one of the two Egyptians with regular documents. These firearms included SIG Sauer pistols and Uzi sub-machine guns.<sup>171</sup> A cooperative informant involved in investigations of the 'Ndrangheta who was an important arms trafficker in the 1980s<sup>172</sup> saw the seized firearms on TV news and recognised a firearm he had sold to the Pavignaniti 'Ndrangheta clan.<sup>173</sup> The trafficker stamped the serial number on firearms in a very specific way, thus it was not difficult for him to recognise 'his' firearms. However, as the prosecutor stated after the case had been concluded, 'how the arms got from the 'Ndranghetisti in Milan to Islamists in Turin we never managed to discover'.<sup>174</sup>

More recently, Anis Amri, the perpetrator of the terrorist attack in Berlin on 19 December 2016 (which involved his shooting a truck driver and driving the truck into a Christmas market, killing 12 people) used a handgun against the Italian police in Milan during a random document check. The Italian police confirmed that the gun used in the Berlin attack, an Erma pistol, matched the one found on Amri.<sup>175</sup> News sources reported that Amri might have acquired the gun in Switzerland.<sup>176</sup> Investigators stated that the gun was legally imported into Switzerland in the 1990s, but it remained unclear what happened to it afterwards, because it did not appear in the weapons registers of any Swiss cantons and there was no national weapons register in Switzerland at the time.<sup>177</sup>

The government officials who were interviewed agreed on how difficult it was for terrorist groups to access firearms in Italy nowadays. Firstly, they emphasised the absence of any active terrorist networks in Italy, which means that no group is looking for sources of supply. Investigations of potential terrorists are ongoing in Italy, but no

findings have emerged from these investigations regarding the actual availability of firearms to members of international terrorist organisations.<sup>178</sup> Secondly, supply channels are tightly controlled by Italian organised criminal groups, even though the market is fragmented. As has already been stressed, mafia groups still exercise strong control over 'territories' and illicit trafficking, and there are no independent ethnic criminal environments, except for the emerging Albanian organised criminal groups. On the one hand, illicit firearms are fairly easily accessible to private individuals with underworld connections, but, on the other hand, it is hard for groups who are not part of Italian organised criminal groups or have no contacts with such groups to access the illicit firearms market. Selling to outsiders means that information could become available to the police through their informants.<sup>179</sup>

Terrorist networks' inability to access the illicit firearms market does not mean that individuals cannot obtain a gun.<sup>180</sup> However, unknown buyers like Islamist lone-wolf terrorists would have no access to the illicit market. As a prosecutor stated with regard to terrorists' access to firearms in Italy: 'At this time, if there is evidence of a terrorist destination, I do not see that firearms could be easily acquired. But if you do not have a beard you can get a gun without much difficulty.'<sup>181</sup> According to the authorities there are currently no concerns about terrorist access to firearms in Italy, since no terrorist network is active in the country and weapons are only sold to known buyers. Terrorists looking for firearms need to go directly to source countries.<sup>182</sup>

The difficulties Islamist terrorists face when attempting to access the illicit gun market in Italy are well illustrated in the 'Briki Lassaad + 1' case in 2016.<sup>183</sup> A Tunisian and a Pakistani were under investigation for terrorism and radicalisation, and in a wiretapped conversation they mentioned the possibility of buying a toy gun for target practice (as suggested by the self-training guide they were using entitled *How to Survive the West: A Mujahidin Guide*). However, one said to the other, 'we cannot do it with your name, since as soon as they see a Muslim name they activate the filter and say "let's see what he's doing"'.<sup>184</sup> According to the prosecutor responsible for the case, the two accused had no connections that would allow them to buy firearms in Italy.<sup>185</sup> The inability to find firearms has represented the major – if not the only – obstacle to the implementation of terrorist attacks.

No evidence is currently available of direct links between Italian organised crime and terrorism. Investigations into this issue are under way, but they are confidential.<sup>186</sup> According to the last DIA report, there are no connections between Cosa Nostra and international terrorism.<sup>187</sup> In the words of a prosecutor: 'to investigate the access to firearms by terrorist groups in Italy, the [basic] premise is missing: the presence of terrorist groups and the need to find arms in Italy.' He added that mafia groups see forms of Islamist radicalisation as risky, since they increase the level of

security, even in prisons, which poses problems to them.<sup>188</sup> However, an expert interviewee, when questioned about the 'Ndrangheta and Italian organised criminal groups, did not rule out possible collaboration in the future: *"mafias are rational entities in the short and medium-term, but they are capable of self-injury, in the sense that if it becomes convenient, they buy or sell from and to ISIS, as is already the case with narcotics. Thus [a future connection between the mafia and Islamist terrorism] cannot be ruled out .... The mafiosi do not do politics, but they do business, and they do business with everyone."*<sup>189</sup>

## 4. Conclusions

The findings presented in this chapter combine available data in the literature and official reports with interviewees' observations on the illicit firearms market in Italy, its actors and dynamics. These findings reveal the possibility of future terrorist access to firearms, as well as links between organised criminal groups and terrorists.

In terms of firearms control, strict Italian legislation is backed up by advanced investigation techniques, and the investigative apparatus put in place to fight mafia groups and internal terrorism in the 1970s has widened to include the fight against international Islamist terrorism. However, no systematic attention is paid to the phenomenon of illicit firearms as such, and the law enforcement system focuses on the perpetration of crimes in general. The diversion of licit Italian-made firearms to the illicit market is quite difficult, except in case of thefts or leakages from government stockpiles. The illicit market has mainly been supplied with firearms from the western Balkans since the 1990s. Mafia groups tend to purchase their weapons through their connections in source countries. The illicit firearms market appears to be used to support other illicit markets such as drug-trafficking and counterfeiting. Mafia groups control their territories and illicit trafficking, with Albanian organised criminal groups as the only relevant foreign actor emerging in the illicit firearms market. However, other foreign criminal groups could appear in Italy in the future to fill any spaces left by mafia and Albanian groups.

Interviewees agreed that terrorist access to firearms in Italy continues to be difficult for several reasons. Firstly, because there is no active terrorist network in Italy, no terrorist is trying to find firearms in the country. Secondly, even if there were terrorists who needed firearms in Italy, there is no independent ethnic criminal milieu, as in France and Belgium, that is able to provide procurement channels. Gatekeepers are needed to access the Italian illicit firearms market, which is managed by Italian

organised criminal groups, with the 'Ndrangheta being the most relevant player. According to government officials who were interviewed, at this stage terrorist groups have no connections with the organised criminal groups managing the circulation of illicit firearms in Italy. Mafia groups seem to feel that it is best not to be involved in high-profile deals with terrorists, in order to pursue their interests in business and the infiltration of politics without drawing unnecessary attention to their activities. Nevertheless, if they see benefits to themselves in dealing with terrorist, then they would do so.

## ENDNOTES

- 1 Marsh, N. (2015) "Firearms Seizures and Trafficking: A «Local» Phenomenon", *The Strategic Trade Review*, vol. 1 Issue 1, pp. 73–87.
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- 3 TradeMap (<http://www.trademap.org>) elaborates data provided by the UN Comtrade (<https://comtrade.un.org>). The export categories used by NISAT and UN Comtrade to compile data are the same but collection methods may differ. The comparison between 2013-2014 and 2015-2016 data must therefore be made with caution.
- 4 Lupsha, P. (1996), "Transnational Organized Crime Versus the Nation-State", *Transnational Organized Crime*, 2 (1).
- 5 Europol 2013 "Threat assesement - Italian organised crime", June, The Hague.
- 6 Sagramoso, D. (2001) *The proliferation of illegal small arms and light weapons in and around the European Union: instability, organised crime and terrorists groups*, Centre for Defence Studies, Kings College, University of London, The case of Italy pp. 19-26; Calderoni, F., Favarin S., Garofalo L., Sarno F. (2014) "Counterfeiting, illegal firearms, gambling and waste management: an exploratory estimation of four criminal markets", *Global Crime*, volume 15, issues 1-2 (February-May), pp. 108-137.
- 7 Massari, M. (2013) "Gun's in the family. Mafia violence in Italy", in LeBrun E, McDonald G., Alvazzi del Frate A., Berman E.G., and K. Krause, *Small Arms Survey 2013*, Cambridge University Press.
- 8 Our thanks must go to the cooperation of the initial group of experts we interviewed, as well as researchers from the FIRE and EFFECT projects. Other experts were then selected using a snowballing approach (with one interviewee recommending others) and through direct contacts via events like the Vicenza firearms expo, where we could interact with firearms lobbyists and producers.
- 9 Specifically, informal phone conversations or email exchanges were held with a member of an Italian NGO that monitors firearms and related issues, a lawyer/academic expert on Italian criminal law and counter-terrorism, a prosecutor who had dealt with a specific case, an official working for the Dipartimento Centrale Polizia di Prevenzione, and two journalists.
- 10 Compiled by the University of Maryland, <https://www.start.umd.edu/gtd/>, accessed 5 April 2017.
- 11 Constitution of the Italian Republic art. 117(d), English version published by the Parliamentary Information, Archives and Publications Office of the Senate Service for Official Reports and Communication, [https://www.senato.it/documenti/repository/istituzione/costituzione\\_inglese.pdf](https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf).
- 12 Presidential Decree 359 of 1991 contains rules governing which weapons are available to the National Police: it states that the use of weapons must be adequate and proportionate to the protection of public order and safety, the prevention and punishment of crime, and other institutional duties.

- 13 A relevant, but larger category of 'weapons' falls under *materiali di armamento*, as defined in L.185/1990, article 2, which include various types of equipment that are not strictly speaking considered to be weapons (e.g. vehicles, software and other materials/equipment with a specific military use).
- 14 The "exclusive use" of a firearm for sporting activities is an ambiguous requirement, since in abstract terms a sports firearm could be used to injure people or hunting. Therefore, it is actually required that the arm is suitable for a sporting use in terms of precision, lightness of the explosion, length of the barrel, and other characteristics. Maiello, V. (2015) *La legislazione in materia di criminalità organizzata, misure di prevenzione ed armi*, Torino: Giappichelli editore.
- 15 Maiello 2015, p. 635. According to an interviewee (IT-10) the distinction of civilian/military use of a weapon is made by companies for their benefits; before it was certified according to the Catalogue, but now ex L.110/1975 is the prefecture in charge of the decision.
- 16 Small Arms Survey 2015.
- 17 Circulars on the issue of arms, Ministry of Interior: <http://www.poliziadistato.it/articolo/38614>.
- 18 For a detail analysis of the criminal framework on arms see: Maiello 2015.
- 19 All forms are available on the website of the Polizia di Stato: [http://www.poliziadistato.it/statics/44/acquisto\\_porto\\_trasporto\\_armi\\_sportive\\_collezione.pdf](http://www.poliziadistato.it/statics/44/acquisto_porto_trasporto_armi_sportive_collezione.pdf), accessed 4 April 2017.
- 20 Hunting firearms are either smoothbore guns, with a gauge not larger than 12, an overall length more than 60 cm and a barrel length more than 30 cm; or rifled guns firing a bullet with a calibre of more than 5.6 mm or a cartridge longer than 40 mm, with an overall length of more than 60 cm and a barrel length of more than 30 cm.
- 21 The Prefettura is the local body representing of the Ministry of Interior, while the Questura is the peripheral body of the Department of Public Security.
- 22 Zanotti, R. (2016) "L'Italia che vuole sparare: Ho la licenza di caccia ma per proteggere casa", *La Stampa*, 6 November.
- 23 See among others: Zanotti, "L'Italia che vuole sparare: Ho la licenza di caccia ma per proteggere casa", *La Stampa*, 6 November 2016; Federico Malerba, "L'Italia con la pistola. Milano e Torino le più armate", *Il Giornale*, 9 January 2017; Nello Scavo, "Porto d'armi, licenze record", *Avvenire*, 12 March 2017; Luciano Galassi, "In Italia c'è un esercito di oltre un milione di civili armati di fucili e pistole", *Agi*, 27 March 2017.
- 24 IT-02
- 25 ROS official website: <http://www.carabinieri.it/arma/oggi/reparti/organizzazione-mobile-e-speciale/raggruppamento-operativo-speciale/organizzazione>.
- 26 IT-09
- 27 AISE, AISI and DIS official website, <https://www.sicurezzanazionale.gov.it/sisr.nsf/chi-siamo/organizzazione/aisi.html>, accessed 12 May 2017.
- 28 Conversation with an official of the DCP, 10 May 2017.
- 29 Rubino, M. (2017) "Ladri in casa la notte, ok della camera alla nuova legge che amplia la legittima difesa", *La Repubblica*, 4 May.
- 30 Il Messaggero 2015; Armimagazine (2017) "No certificato? Armi rottamate!", *armimagazine.it*, 2 March.

- 31 The Catalogue has been abolished ex comma 7 art. 14 L. 183/2011 <http://www.poliziale-cale.com/2011/12/16/catalogo-nazionale-delle-armi-la-legge-di-stabilita-abolisce-larticolo-7-della-legge-18-aprile-1975-n-110-allarme-dei-sindacati-di-polizia/>
- 32 Fourteen States are members of the *Commission Internationale Permanente pour l'Epreuve des armes à feu portative* (Permanent International Commission for the Proof of Small Arms, CIP). Those states that sign the Convention undertake to recognise each other's Proof House, <http://www.cip-bobp.org/>.
- 33 Annex 1 of the Directive 477 specifies arms' categories. EU Council Directive 91/477/EEC, Official Journal of the European Commission, n. 256, 13 September 1991.
- 34 United Nations, Programme of Action on small arms and light weapons, Italy country profile.
- 35 Maiello 2015, p. 719.
- 36 IT-03
- 37 IT-03
- 38 IT-04
- 39 IT-03
- 40 A private society has developed a software for armouries ("Progetto Armeria"), which contains data from the national Catalogue of firearms, control functions on expired or revoked licenses, administrative forms related to the sell/purchase/transport of arms, etc. <http://www.progetto-armeria.it/index.php>. Conversation with "Progetto Armeria" manager at Vicenza HIT firearms' expo, 12 February 2017.
- 41 Conversation with DCPD officer, 15 April 2017.
- 42 Polizia di Stato, Ufficio tecnico ad analisi di mercato, Descrizione del Sistema Informativo Interforze e Dimensionamenti, p.7.
- 43 United Nations, Programme of Action on small arms and light weapons, National reporting tool – Italy (2016).
- 44 IT-07
- 45 IT-08
- 46 In 1982, the Italian Parliament introduced the art. 416-bis of the Italian Criminal Code, transforming the meta-juridical concept of mafia into the juridical category of mafia-type criminal organization (Paoli 2014, p. 122).
- 47 Hof, T. (2013) "The success of Italian anti-terrorism policy", in: *An international history of terrorism. Western and non-western experiences*, edited by Hanhimäki J.M, Blumenau B., New York: Routledge, pp. 100-112.
- 48 Padrone, D. (2016) "La repressione penale d'urgenza del terrorismo internazionale – The penal repression of emergency of international terrorism", *Cassazione Penale*, n. 11, p. 4079.
- 49 Expulsion of Imams in Carmagnola and Turin: Corriere della Sera (2003) [http://www.corriere.it/Primo\\_Piano/Cronache/2003/11\\_Novembre/17/carmagnola.shtml](http://www.corriere.it/Primo_Piano/Cronache/2003/11_Novembre/17/carmagnola.shtml); La Repubblica (2008) <http://www.repubblica.it/2007/12/sezioni/cronaca/imam-condannato/imam-anno-zero/imam-anno-zero.html>.
- 50 For an in-depth analysis of Italian counter-terrorism measures since 1970s see: Vettori B. (2007) *Terrorism and counterterrorism in Italy from the 1970s to date: a review*, NCTB Counterterrorism project, Final report, Transcrime.
- 51 Law Decree n.7 of 18 February 2015, converted into Law n.43 of 17 April 2015.



- 52 IT-11, IT-15
- 53 At the time of writing the SIDNA database only includes crimes involving terrorism, criminal conspiracy and mafia-related criminal conspiracy (*associazione a delinquere di stampo mafioso*).
- 54 According to the prosecutor in charge of the SIDNA database at the DNA (IT-15), it includes 1,600,000 individuals (compared to about 60,000 in the Europol and 200,000 in the Interpol databases).
- 55 IT-15. See also DNA 2016, p. 4.
- 56 Ivi, p. 6.
- 57 IT-15
- 58 In that occasion, a memorandum of understanding has also been signed by Italy with 16 countries in the area of Eastern Europe in order to provide them the SIDNA database (IT-15). Ansa (2016) Balcani: Franco Roberti a conferenza anticrimine Belgrado, [http://www.ansamed.info/nuova\\_europa/it/notizie/nazioni/slovenia/2016/05/25/balcani-franco-roberti-a-conferenza-anticrimine-belgrado\\_5e580b09-e1a7-4b3a-9a72-6d8d-de7e5d70.html](http://www.ansamed.info/nuova_europa/it/notizie/nazioni/slovenia/2016/05/25/balcani-franco-roberti-a-conferenza-anticrimine-belgrado_5e580b09-e1a7-4b3a-9a72-6d8d-de7e5d70.html), accessed 11 May 2017.
- 59 Marsh 2002.
- 60 EURISPES is the Institute for Political, Social and Economic studies, an Italian leader research institute, <http://www.eurispes.eu>.
- 61 ANPAM (2017) *Al via osservatorio sul mercato delle armi sportive in Italia*, 13 February 2017, <http://www.bighunter.it/Fucili/ArchivioNews/tabid/214/newsid732/21161/Default.aspx> (accessed 26 April 2017).
- 62 Sagramoso 2001.
- 63 <http://fireproject.eu/explore/#/seizures>.
- 64 Savona, E. U., and M. Mancuso (eds.) (2017) *Fighting Illicit Firearms Trafficking Routes and Actors at European Level*, Final Report of Project FIRE ([www.fireproject.eu](http://www.fireproject.eu)), Milano: Transcrime – Università Cattolica del Sacro Cuore.
- 65 More specifically, in 2009: nine Garand M1 rifles, one AR 70/90 rifle, 24 G3 rifles, 4,150 FAL BM59 assault rifles, 2,025 MG 42/59 machine guns, 2,666 MAB pistols, and 6,152 miscellaneous firearms; in 2007: 16,872 Beretta Model 34 self-loading pistols, 130,645 Garand M1 rifles, 11,812 FAL BM59 assault rifles, and 10,596 miscellaneous firearms; in 2006: 770 Beretta Model 34 self-loading pistols, 93,697 Garand M1 rifles, 37,390 FAL BM59 assault rifles, and 8,231 miscellaneous firearms; in 2005: 31,291 Beretta Model 34 self-loading pistols, 3,869 Winchester M1 carbines, 1,197 Winchester M1-A1 carbines, and 1,014 light weapons of various kinds.
- 66 United Nations, Programme of Action on small arms and light weapons, Italy country profile.
- 67 Calderoni, F., Favarin S., Garofalo L., Sarno F. (2014) « Counterfeiting, illegal firearms, gambling and waste management: an exploratory estimation of four criminal markets », *Global Crime*, volume 15, issues 1-2 (February-May), pp. 108-137.
- 68 Paoli, L. (2013) « The integration of the Italian crime scene », in Albrecht H.J and A. Klip (eds.) *Crime, criminal law and criminal justice in Europe*, Leiden: Martinus Nijhoff publishers, pp. 3-42.
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- 131 Since 2015, after the introduction of the requirement for a medical certificate as part of a licence application, many people handed over firearms to the police, and these had to be destroyed.
- 132 IT-02
- 133 Pinna, N. (2017) "Cerimant di Padova, l'Esercito sospende i due responsabili del traffico d'armi", La Stampa, 29 March.
- 134 Il Mattino di Padova 2017.
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- 139 The video in the article of ADNkronos 2017 shows the discovery of the hidden stashes of firearms, as well as Carabinieri's uniforms, in the middle of thick greenery and empty ruins.
- 140 IT-11
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- 145 CPIFCOMS – Commissione parlamentare d'inchiesta sul fenomeno della mafia e sulle altre associazioni criminali similari (2003), Relazione annuale, Rome: Tipografia del Senato, p. 304.
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- 150 South-Tyrolean were fighting for independence from Italy since 1950s with the BAS (Befreiungsausschuss Südtirol), and till the end of 1980s with attacks by Ein Tyrol and Sudtiroler volkspartei, as well as Italian movements as MIA (Movimento Italiano Altoadige). Commissione parlamentare d'inchiesta sugli episodi di terrorismo 1992.
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- 153 Randall, D. L. (ed.) (2015) *The Routledge History of Terrorism*, New York: Routledge.
- 154 A subversive strategy based primarily on a prearranged and well-planned series of terrorist acts designed to create a state of tension and widespread fear among the population that would justify or promote an authoritarian response. The British weekly newspaper *The Observer* coined the expression in December 1969, following the massacre in Piazza Fontana. The bomb in Piazza Fontana was a response by some of the most reactionary forces of Italian society, including neo-fascist groups and rogue sectors of the state security apparatus, to the powerful wave of social unrest in 1968-1969, as well as the Italian Communist Party's electoral campaign.
- 155 Ginsborg 2003, p. 423.
- 156 Elaboration on data from the Global Terrorism Database.
- 157 Elaboration on data from the Global Terrorism Database.
- 158 IT-05; IT-11
- 159 IT-14
- 160 One Kalashnikov 7.62 x 39 calibre assault rifle; one Uzi 9 x 19 calibre sub-machine gun; and one Skorpion 7.65 Browning calibre machine gun.
- 161 One Renato Gamba .38 Special handgun; one semi-automatic SIG Sauer handgun; one Winchester 94, 30-30 carbine; and one Tyrol .22 carbine.
- 162 IT-14
- 163 According to interviewees, the 'Ndrangheta has a long-standing relationship with terrorism, which emerged in the 1970s when terrorists and separatists were held in Italian prisons. A kind of solidarity among these inmates resulted in the development of business opportunities. This connection was strongly emphasised by the state agency that used the 'Ndrangheta as mediators in various issues concerning terrorism, for example, the case of the kidnapping of the Neapolitan politician *Ciro Cirillo* by the Red Brigades or that of *Aldo Moro* (IT-05). There is scope for dialogue between terrorist and mafia groups in a relationship of trust and solidarity irrespective of political positions. Mafia groups had contacts with both black terrorists and Red Brigades (from the *Prima Linea* group in particular), which resulted in tactical alliances to both purchase and destroy weapons.
- 164 IT-04; IT-05
- 165 IT-05
- 166 *Il Sole 24ore* (2013) "Ndrangheta e Ira riciclano insieme nel turismo calabrese", 5 March.
- 167 *Napoli today* (2009).
- 168 *La Repubblica* (2009) "Paura a Milano, bomba nella caserma. Un libico si fa saltare con 2 chili di esplosivo", 12 October.

- 169 IT-11; Spataro 2004.
- 170 Conversation with the Prosecutor in charge of the Azab case, 12 April 2017.
- 171 Conversation with the Prosecutor in charge of the Azab case, 12 April 2017.
- 172 Maurizio Borsetto was selling arms to different (and even opposed) mafia groups in Milan in the 1980s.
- 173 Conversation with the Prosecutor in charge of the Azab case, 12 April 2017.
- 174 Conversation with the Prosecutor in charge of the Azab case, 12 April 2017.
- 175 La Presse 2017.
- 176 Independent online 2017.
- 177 Corriere del Ticino 2017.
- 178 Conversation with an official of the DCP, 10 May 2017.
- 179 IT-09
- 180 IT-12
- 181 IT-12
- 182 IT-11
- 183 Corte d'assise di Milano, sez. Ia, Sentenza Briki Lassaad + 1, n. 3/16, 25 May 2016.
- 184 Translated from Italian by authors, Ibid. Corte d'assise di Milano, sez. Ia, Sentenza Briki Lassaad + 1, n. 3/16, 25 May 2016.
- 185 IT-12
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# Terrorist access to firearms in the Netherlands

MONIQUE BRUINSMA AND TOINE SPAPENS

In recent years both criminals and members of terrorist networks have demonstrated their ability to acquire weapons<sup>1</sup> on the Dutch illicit firearms market. These two types of firearms users are closely linked: firearms have usually ended up in terrorist hands through the criminal underworld, and many jihadists seem to have used their (former) criminal contacts to obtain weapons. Little academic or policy-oriented research is available on how these specific groupings interact in the Netherlands. There is, however, an interesting body of knowledge on the general availability of illegal firearms in the country: since 2002 several studies have been published on illicit firearms possession, use and trafficking in the Netherlands.<sup>1</sup> These studies were often the result of fruitful collaboration among the Dutch police, the Ministry of Safety and Justice, and external researchers.

This report addresses the main characteristics and dynamics of the illicit gun market and describes the (challenges facing the) regulatory and policy framework in the Netherlands aimed at combating the illicit gun market in general, and terrorists' access to this market in particular.

In the first section we describe Dutch national policy to combat the illicit firearms market, section 2 discusses the characteristics of the illegal firearms market in the Netherlands, section 3 specifically deals with terrorists' access to firearms on the illegal market in the country and section 4 summarises the most important conclusions.

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<sup>1</sup> Within the context of conventional arms, our analysis focuses on lethal firearms. In our study we refer to them simply as 'firearms'. When reference is made to imitation weapons or non-lethal firearms, this is always explicitly stated.



Box 1: Research design

As has already been indicated, a number of relevant studies have been undertaken in the past years.<sup>2</sup> They are based on empirical data up to and including 2011. For more recent data we obtained permission from the Dutch police to study and include the results of the most recent national analysis of the illegal trade in firearms.<sup>3</sup> In addition, five key actors from the Dutch police and the National Public Prosecutor’s Office were consulted to assess and update the information we had obtained; these are listed in Table 1.

Table 1: Experts consulted

Position	Date and method of response
Chief researcher responsible for analysing the illicit trade in firearms for the police’s National Threat Assessment 2017 on Organised Crime	23/05/2017, email
Police director of the National Programme for Counter-terrorism, Extremism and Radicalisation	30/05/2017, email
Police Firearms Portfolio holder	14/04/2017, interview 01/06/2017, email
Police project leader for combating illegal firearms	01/06/2017, email
Firearms and Terrorism Portfolio holder in the National Public Prosecutor’s Office	02/06/2017, email

Our analysis of the current regulatory and policy framework was mainly based on open-source research reports, internal policy documents made available for this study, and a face-to-face interview with the police Firearms Portfolio holder. For the third part of this research (section 3) we drew up a summary of 25 years of terrorist activities in the Netherlands based on an analysis of media information and court rulings published on the website [rechtspraak.nl](http://rechtspraak.nl).<sup>4</sup> A search using the terms ‘firearm(s)’ and ‘terrorism’ resulted in 61 hits, which were analysed for their content.

## 1. Regulatory framework and policy

Even by European Union (EU) standards, Dutch firearms legislation is very strict. Civilian possession of firearms is forbidden, unless an appropriate licence is obtained. And weapons may only be transferred to others if an exemption is granted to both the supplier and recipient.<sup>5</sup> In this first section we will give an overview of the regulatory framework and the policy for combating the illegal firearms trade in the Netherlands.

### 1.1 Firearms legislation

National legislation governing the trade in, possession and use of firearms and ammunition in the Netherlands is laid down in two core documents: the Weapons and Ammunition Act (WWM)<sup>6</sup> and the Weapons and Ammunition Regulations (RWM).<sup>7</sup> In addition to the formal framework, the 'Circular on Weapons and Ammunition' is important for the implementation of weapons-related legislation: it provides general information about the implementation of the WWM and RWM in its Part A;<sup>8</sup> and contains instructions from the minister of security and justice to the chief of police and the Central Department for Import and Export about the policy to be followed in the implementation of the WWM and RWM in its Part B.<sup>9</sup>

In the Netherlands, the possession of a firearm is not a right, but a privilege. Hunting, membership of a sports shooting association or the need for firearms to perform police/armed services duties are the only legitimate reasons for the possession of a firearm. Firearms licences are issued under strict conditions that, among other things, include the characteristics of the person (criminal record; mental health) and the safe storage and transportation of firearms. Also, the possession of firearms that look like something other than a firearm (so-called disguised firearms) is prohibited, as well as of imitation weapons, to the extent that they do not fall under the European toy directive. The possession of an airgun can also be an offence, if the conditions for use are not met or if it looks like a real firearm in terms of its shape and dimensions.

While the country's firearms legislation is considered to be restrictive, some in the Netherlands consider sentences for the illegal possession and trade of firearms as relatively lenient when compared to other EU member states.<sup>10</sup> However, this must be qualified by the fact that it is difficult to compare prison sentences because regimes for early release may differ substantially. In the Netherlands, convicts are obliged to serve at least two-thirds of their sentence. The maximum sentence for participation in the illegal trade in firearms, without any aggravating circumstances,

is a maximum prison sentence of eight years or a fifth-category fine <sup>11</sup> (which was fixed in 2017 at a maximum of €82,000).<sup>12</sup> The maximum sentence for the illegal possession of a firearm without proof of legal trade is four years or a maximum fine of €82,000.<sup>13</sup> According to the national consultations of the chairmen of the Criminal Law Sectors of the Courts of Appeal and District Courts (LOVS), the maximum sentence for 'simple' firearms possession is almost never imposed in practice. On average, the LOVS observes that judges impose sentences of nine months' unconditional imprisonment for the possession of an automatic firearm, six months for a riot gun and three months for a lethal pistol, revolver or rifle.<sup>1</sup> On average, a sentence of four months unconditional imprisonment is given for the concealed carrying of a firearm, while the illegal possession of gas, alarm, air or imitation guns generally results in fines of between €170 and €550.<sup>14</sup> The LOVS lists the following aggravating and/or mitigating factors: whether the firearm is loaded, is fitted with a silencer, is stored within reach in a vehicle, is carried in public, is carried (or transferred) at an airport or on board an aircraft, whether there is live ammunition that has been converted so as to cause even more serious injury than ordinary ammunition, or whether or not the firearm could be easily reactivated.<sup>15</sup>

## **1.2 National policy and law enforcement agency cooperation to combat the illegal firearms market and terrorists' access to this market**

In the Netherlands, various agencies are involved in tackling the illegal possession of and trade in firearms: the police, the Royal Netherlands Military Constabulary (KMar), Customs, the Public Prosecution Service (OM), the Dutch Forensics Institute (NFI), the National Coordinator for Counterterrorism and Security (NCTV) and the Ministry of Security and Justice. These agencies work together in the national network for controlling illegal firearms.<sup>16</sup>

The OM leads investigations into the illegal firearms trade and, if necessary, collaboration is sought with judicial agencies abroad. Each regional police unit has weapons and ammunition specialists attached to its forensic investigations team. Because the Dutch police have relatively few (full-time) detectives, the OM has constantly to decide how to deploy investigative capacities. General investigative priorities are set every four years in a security agenda that is based on the National

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<sup>1</sup> It should be noted that at the time of writing the data referred to on the subject of the WWM was last updated in March 2012. Furthermore, in many cases firearms are detected in the context of investigations of other types of crime, such as drug trafficking, and in these cases it is impossible to assess the extent to which firearms possession contributed to the prison sentences that were imposed.

Threat Assessment.<sup>17</sup> The allocation of detectives to investigate specific cases then takes place in local steering teams that include OM and police representatives.<sup>18</sup> The KMar<sup>19</sup> regularly carries out mobile control operations on the Dutch border, sometimes jointly with Belgium and Germany.

The General Intelligence and Security Service (AIVD) has the task of identifying threats to national security,<sup>20</sup> including the mapping of firearms-related threats linked to both crime and terrorism, but focusing on preventing situations where the possession and use of firearms become a danger to national security. If the AIVD uncovers a possible threat, other interested parties (e.g. the police and the Public Prosecutor's Office) are informed in an official report so that they are able to take appropriate action.

Because of the threat and (potential) impact of possible terrorist attacks using firearms, in 2014 the national coordinator for counterterrorism and security (NCTV) singled out the reduction of the availability of firearms to terrorists as one of the priorities in the current action programme entitled Integrated Approach to Jihadism.<sup>21</sup> In general, the NCTV wants to reduce the general availability of (illegal) firearms. More specifically, the aforementioned programme states that the intention is '[to make] it more difficult for the malevolent to acquire attack resources' by, among other things, 'signalling possible preparation activities [more] promptly'.<sup>22</sup> For this purpose, 'the information sharing, investigation and gaining of intelligence concerning the [attempted] acquisition of attack resources [shall be] intensified, particularly concerning the availability of firearms in criminal circles and the intermingling of these circles with jihadist networks'.<sup>23</sup> As part of this prioritisation, the NCTV, in his role of instigator, facilitator and coordinator, has increased the focus on preventing firearms acquisition.<sup>24</sup> The NCTV maintains close contacts with the Firearms Portfolio holder to discuss developments in the approach and supports the accumulation of knowledge, information, personnel and resources so as to be able to achieve the prescribed objectives. Such collaboration between the police and NCTV also occurred earlier in the area of chemical, biological, radiological and nuclear defence, but is still relatively new in terms of firearms.<sup>25</sup> The Dutch police have welcomed the NCTV's targeting of firearms. Dealing with the issue of acquiring automatic firearms from the perspective of potential terrorist use is seen as essential for a successful approach to the illegal trade in automatic firearms. It gives extra urgency to the problem, which could allow the issue of the illegal trade in firearms to be freed from the changing national priorities of the Ministry of Safety and Justice dealing with organised crime.<sup>26</sup>

Linked to the above, but also based on concern about criminals' increasing use of automatic firearms in the Netherlands, according to a statement by the minister of

security and justice in March 2017, the national approach to illegal firearms has ‘in the past two years been considerably intensified at the policy and operational levels’.<sup>27</sup> Law enforcement agencies now pay more attention to the trade in and possession of illegal firearms and have improved their information-collecting abilities. In addition, the police have appointed a national portfolio holder for illegal firearms, the OM has designated a national public prosecutor to deal with the issue, and a national network for combating illegal firearms possession has been set up. These measures have led to an increasing number of criminal investigations and seizures of caches of firearms and explosives. In short, the approach to illegal firearms has been improved and in the future will continue to be a priority of the police and the Ministry of Safety and Justice.<sup>28</sup>

Within this context, the police particularly focus on: (1) reducing the number of assault rifles that circulate in criminal circles; (2) curbing the flow of illegal firearms that come to the Netherlands from the Balkans; (3) tackling the influx of firearms or firearms parts ordered on the internet and coming to the Netherlands by post; and (4) improving the monitoring of the access to firearms of radicalising/radicalised people with a criminal profile or who are members of a criminal network.<sup>29</sup>

Finally, national prevention policy was intensified in 2005 to discourage the acquisition of illegal firearms or trading in firearms. An example is national campaigns drawing attention to the prohibition of imitation weapons. Additional initiatives are local by nature, such as information projects about firearms possession, preventive firearms controls at schools<sup>30</sup> and preventive body searches in areas where there is a high risk of firearms-related incidents.<sup>31</sup> An important supporting document for these initiatives is the Action Plan of 2005 for combating illegal firearms.<sup>32</sup>

### 1.3 International cooperation

Dutch law enforcement agencies cooperate with law enforcement services in EU member states in cases of international firearms trafficking. This includes collective investigations (as part of joint investigation teams, or JITs) and cooperation based on mutual legal assistance facilitated by Dutch police liaison officers stationed abroad. On several occasions information from other countries has led to major investigations of illegal firearms dealers in the Netherlands.

At the beginning of 2017 around 50 Dutch investigations were ongoing and many required cross-border cooperation.<sup>33</sup> However, in February 2017 two articles appeared in the Dutch newspaper *De Telegraaf* with the suggestive headlines ‘Dutch firearms policy fails’<sup>34</sup> and ‘English victim of trafficking’.<sup>35</sup> Both articles cite two anonymous

sources claiming to be employees of the National Crime Agency. The matter is extremely sensitive. According to these articles, in 2016 the Dutch Ministry of Security and Justice was asked on four occasions to tighten firearms policy. The United Kingdom (UK) is apparently frustrated by the low priority given to dealing with the issue of illegal firearms in the Netherlands, because it is confronted with firearms that are trafficked from the Netherlands to the UK. Given that major crime groups from the Netherlands and the UK closely collaborate (see below), law enforcement collaboration between the two countries is essential to obtain evidence and tackle these groups. The UK source, however, stated that 'If a firearm is seized in the Netherlands, that's often the end of the matter. Our and your police services work together very well, but we notice, according to our contacts, that your police would like to do more.' He further stated that in the Netherlands the seizure of a firearm is all that happens: 'We trace back the trail and regularly encounter more criminals. If our services request further information about a firearm, the Dutch police often cannot tell us anything.' According to this criticism, prioritisation, resources and authority are lacking in the Netherlands. In response to these articles, the minister of security and justice denied these accusations in the Dutch Parliament and stated that the tackling of illegal firearms has been improved since 2015 and that 'whether and how the approach can be improved is being constantly assessed'. He further stated that whether more investigative capacity can be freed up would be decided later in 2017 based on the outcomes of the National Threat Assessment and subsequently the Security Agenda.<sup>36</sup> The Dutch police stated that consultations with the UK on the matter were as constructive as ever.<sup>37</sup> The criticism expressed anonymously in the media was neither repeated nor supported by British officials.<sup>38</sup>

The Slovakian police and Europol expressed similar criticism of the contribution of the Netherlands to identifying arms dealers in 2015, in response to arrests made for arms trafficking from Slovakia. At that time, Europol also had uncovered indications of regular ('once or twice a month') courier shipments of firearms from Slovakia to the Netherlands. While the Slovaks wanted to identify all the members of the smuggling operation, the Dutch authorities apparently chose to immediately arrest three low-level individuals (so-called 'errand boys') who were smuggling a package with components for 35 CZ sub-machine guns.<sup>39</sup> The case was concluded within a year by the judge: the main suspect (a Polish citizen) was sentenced to three years' imprisonment, while his Dutch fellow-suspects were acquitted. Yet at the time of their arrest the three were supposed to deliver the firearms to a man who would be waiting in a black BMW at a parking lot in Nistelrode. The police were unable to establish the identity of the man and the destination of the firearms. A Dutch newspaper reported in the spring of 2015 that this caused annoyance at Europol and among the Slovakian police. 'It is typical of the way in which the arms trade is handled in the Netherlands and arises from a consciously

implemented policy', concluded a journalist in an editorial.<sup>40</sup> To improve international collaboration the Netherlands shortly thereafter started participating in a JIT with Slovakia, Poland, Germany and the UK.<sup>41</sup> This team achieved good exchanges of operational information and successful interventions, and is still active.<sup>42</sup>

Another method to improve bilateral collaboration is the strategic positioning of police liaison officers abroad. Optimising this network has been given top priority.<sup>43</sup> The Dutch police particularly underline the importance of its liaison officers stationed in Belgrade and Bucharest.<sup>44</sup> Based on the Benelux Implementation Agreement for Liaison Officers, a Belgian liaison officer is also stationed in Albania who works for both the Belgian and Dutch police (and the KMar). The western Balkans countries are generally considered to be important source countries for the trafficking of assault rifles to the Netherlands. According to a police interviewee, 'Having police liaison officers stationed there is extremely important for us, because in these countries personal connections [characterised by] trust and confidence are essential.'<sup>45</sup>

Collaboration with international actors such as Europol, Interpol and Eurojust is subsequently shaped mainly by the participation of firearms experts in relevant international networks. A 'firearms info unit' is positioned as the national focal point for firearms for the Dutch National Police and also provides information to the Europol focal point. Furthermore, the Netherlands is one of the co-drivers of the priority issue of illegal firearms within EMPACT, together with the UK, France and Belgium (co-drivers) and Spain (driver). The Dutch police appointed one national firearms expert to monitor relevant developments affecting the Netherlands stemming from EMPACT, the European Firearms Experts Network and the Europol Firearms Focal Point.<sup>46</sup> These various international positions are filled by a total of four officials, each with many years of experience of the Dutch approach to firearms-related crime. They can all deputise for one another and if necessary can attend meetings together as joint representatives.

#### **1.4 Main challenges facing national policy to combat the illicit firearms market in the Netherlands**

As explained previously, the Netherlands has extremely strict firearms legislation, and a licence for a lethal firearm is only issued under strict conditions (solely for sports shooting and hunting) and after screening the applicant's criminal record and mental health status. Because of these restrictions, criminals rely on firearms that are smuggled into the Netherlands or have been stolen from either licensed firearms dealers or people who are permitted to own a firearm. The investigative services give high priority to indications of the illegal possession of firearms.

Intelligence is followed up as quickly as possible and searches are conducted to find and seize the firearms. However, keeping a record of this process, and further investigation into the origins of seized firearms and the criminal groups possibly involved in their trafficking, is far less systematic. A primary cause of this is that specialisations such as firearms expertise have been increasingly abolished since 1993.

Police firearms specialists now primarily have a technical function. They have been attached to forensics teams and focus primarily on examining confiscated firearms and properly describing them. Most of these specialists have little or no access to relevant investigation information and have excessive workloads that involve correcting reports drawn up by police officers who seized firearms but lack specialised knowledge. They also become bogged down in record-keeping systems that do not support them sufficiently in their work. It will therefore not come as a surprise that figures about seized firearms are currently incomplete and unreliable.

Despite political statements, investigating the firearms trade and trafficking is not given the highest priority in the Netherlands. This can be largely explained by two factors. Firstly, the arms trade in the country is a relatively small criminal market compared, for example, with the production and export of drugs and the import and transit of cocaine. Secondly, as a consequence of the relatively small scale, the arms trade is often a sideline for criminal groups that primarily focus on other illicit markets. Therefore, policy-makers have assumed that the trade in and trafficking of illegal firearms are automatically dealt with when other crimes are investigated.

The level of priority that the Dutch police give to firearms trafficking and trade is mainly determined by external pressure and not by the fact that firearms are necessary tools for members of the criminal underworld. This is reflected in policy priorities. At the start of 2000, firearms were included on the list of investigative priorities, which was confirmed in 2004 based on the outcomes of the National Organised Crime Threat Assessment. In 2008, however, a new threat analysis did not reveal major changes in the crime situation, but it was decided that firearms were not a threat, primarily because trafficking and trade took place on a small scale. In 2012, based on the latest threat analysis, the minister of security and justice concluded that illicit firearms were a threat, but for reasons not explicitly stated, decided that a separate investigative priority dealing with firearms was not necessary. In response to a number of murders in Amsterdam in which Kalashnikovs were used, including in a shooting near a primary school, firearms once again became a priority at the end of 2015. Whether this will remain the case is unclear, particularly because the most recent figures show that the number of firearms seizures is declining. On the one hand, however, this may be explained by inaccurate records of firearms seizures; on the other hand, one can question whether such figures should be



the prime criterion for prioritising criminal activities. For example, the number of firearms says little about possible impact: in the hands of a terrorist even a single firearm can inflict major harm.

## **2. The illicit gun market in the Netherlands**

### **2.1 Estimated size of the illicit gun market**

It is impossible to estimate the exact number of illegal firearms in a country. Any estimate requires assumptions that may be challenged, and wide margins of error are possible. One assumption (which is used by the Dutch police and in other Western European countries<sup>47</sup>) is that law enforcement agencies annually seize around 10% of the total number of firearms available in the criminal underworld.<sup>48</sup> Based on this assumption and detailed data of seizures by the Dutch police in the period 1998-2000, an estimate was made in 2002 that 10,000-15,000 firearms were introduced into the Dutch market annually by smuggling and that in total there were between 85,000 and 125,000 illegal firearms in the Netherlands.<sup>49</sup> In the same period the police confiscated 7,170 firearms, of which around 1,200 were surrendered voluntarily. However, there are various problems with this estimate. Firstly, it is unclear whether the '10% rule' actually applies to the Netherlands. Secondly, the information about the number of confiscated firearms was still incomplete. Thirdly, the estimate would mean that the cache of illegal firearms is constantly growing at a high rate, although it is impossible to demonstrate that demand has increased at the same rate. Fourthly, the number of weapons is not equal to the number of owners, because key members of organised criminal groups generally own several (types of) firearms. These and other considerations mean that the number of illegal firearms could be either higher or lower than the estimates.

In 2005, to supplement the 2002 estimate, a population-specific estimate was made of the number of illegal firearms owners in the Netherlands.<sup>50</sup> This was done using the capture-recapture method – a statistical method that (with good source data about the number of seized firearms) can give a reasonable estimate of the scale of the number of illegal firearms in a particular country. The 2005 capture-recapture estimate included people who were apprehended at least once in the period 2001-2003 for the illegal possession of firearms, and who belonged to one or more specific categories of criminal groups (those who are connected to the illegal drug-trafficking world, who were suspected of carrying out armed robberies and who were born in the Dutch Antilles). Taken together, the groups selected were involved in around 75% of the total number of registered firearms offences in the Netherlands. There

were 2,093 relevant suspects between 2001 and 2003; of these, 1,977 were apprehended once for a weapons-related offence, 105 were apprehended twice, eight three times, two suspects were apprehended four times and one suspect five times. Based on the analysis, it was estimated that these three groups together total at least 40,533 people who possess firearms, including both those who had been apprehended and an estimated figure for those who had not been apprehended.<sup>51</sup> This supports the perception, which had also been raised by the previous study, that there are tens of thousands of Dutch citizens linked to crime who want to arm themselves. The capture-recapture method such as the one developed in 2005 could not map the degree to which there was a preference for owning lethal, non-lethal or imitation weapons. It could not be completely excluded that some suspects used an imitation weapon or a gas or alarm pistol, for example when a firearm was used as a threat and was subsequently not found; as a result, no technical details on it were available.

Because of the deterioration of the record-keeping system for firearms seized in later years and the decline in the information available on illegal traders (see below), no comparable approximation was subsequently made.<sup>52</sup> A useful aid for estimating the scale of the illicit firearms market in more recent years could be provided by the number of confiscated firearms that are destroyed annually by the Logistics and Distribution Unit (ULD) of the Dutch police. An application for destruction is linked to a criminal case for about 2,000 firearms each year (see Table 2). This validates the assumption that these are firearms that have circulated in criminal circles and have been confiscated. If we assume that the seized firearms must be replaced, these figures are the absolute lower limit of demand in the market. In addition, some of the firearms with a case number may have had a criminal owner – the average citizen does not just lose a firearm. Furthermore, not every firearm that must be replaced ends up in the hands of the ULD, for example, criminals who get rid of a firearm after using it.<sup>53</sup>

**Table 2: Number of destroyed lethal firearms linked to criminal cases, 2006-2011**

	2006	2007	2008	2009	2010	2011
Handguns (pistols and revolvers)	1,999	2,047	1,374	790	1,143	1,655
Rifles, assault rifles and sub-machine guns	108	173	126	309	150	436
Shotguns and hunting rifles	36	34	40	47	60	166
<b>Total</b>	<b>2,143</b>	<b>2,254</b>	<b>1,540</b>	<b>1,146</b>	<b>1,353</b>	<b>2,257</b>

Source: Boerman and Bruinsma (2012, p. 47)

## 2.2 Availability and prices of different types of firearms

### 2.2.1 Availability

The illegal possession and trade of firearms in the Netherlands mainly involves pistols. At least half of all lethal firearms seized in the country are of this type (i.e. between 700 and 1,100 annually). Revolvers are less commonly seized than pistols (around a quarter of the handguns seized). These data come from the national phenomenon studies up to 2012,<sup>54</sup> but a similar pattern can also be noted in the more recent data that four police units collected for the National Threat Analysis 2017.<sup>55</sup>

Automatic assault rifles seem to have become more readily available in recent years and/or have a wider range of customers. After 2012 the number of incidents involving heavy automatic weapons such as Kalashnikovs increased significantly. Before that date such incidents were highly exceptional and generally linked to internationally linked criminal networks. At the end of 2012 this state of affairs had changed due to a series of murders with automatic weapons mainly related to conflicts between cocaine wholesalers.<sup>56</sup> In addition, perpetrators increasingly started to use assault rifles instead of handguns (pistols and revolvers) to commit crimes such as robberies. For instance, assault rifles were used to keep residents at a distance during an ATM attack using explosives in Amsterdam.<sup>57</sup> The developments resulted in an increase in the number of murder investigations (first mainly in Amsterdam, but later also elsewhere) and an increase in the number of search warrants related to the possession of automatic firearms. Consequently, since 2014 more assault weapons have been seized. The number of automatic firearms seized in the large cities of Amsterdam and Rotterdam rose from 10-20 per year in 2012 and 2013 to 30-40 per year in 2014 and 2015.<sup>58</sup> From 2001 to 2010 the share of automatic firearms seized annually in the whole of the Netherlands was on average 4% of all seized lethal firearms (around 50 per year).<sup>59</sup> More recent data are unavailable, but in October 2015 Chief Commissioner Hans Vissers of the Zeeland-West Brabant Police Unit stated in his role as spokesperson on firearms that 'an increase can be observed in the number of heavy weapons, such as sub-machine guns .... In 2013 we confiscated around 170, in 2014 just over 200, and if the increase continues at the same tempo, we will perhaps reach 250 this year.'<sup>60</sup>

A third observation is that converted gas and alarm pistols remain widely available. Since the end of the 1990s the trade in such pistols has attracted attention in both the Netherlands and abroad.<sup>61</sup> These are firearms that originally were unable to fire live bullets, but were illegally converted to make this possible. Converted firearms are technically less reliable than firearms originally designed to be lethal, but for this reason they are also much cheaper, and therefore popular. In the Netherlands,

conversions were considered a special subject of interest and this resulted in several targeted investigations. Data until 2012 indicate that between 100 and 275 converted firearms were seized each year.<sup>62</sup> Constructing reliable estimates subsequent to that year is not possible, but police experts believe it is a stable market.

Fourthly, 3D-printed firearms have not been seized in the Netherlands. In recent years articles appeared in the media about manufacturing firearms with 3D printers, and the phenomenon was presented as a potential new risk.<sup>63</sup> However, up to mid-2017 3D-printed firearms have never been found in Dutch criminal circles and the NFI has not received any such firearms.<sup>64</sup>

With regard to the countries that produced the seized firearms in the period 2001-2010, a fairly constant pattern could be observed in 2012: seized pistols mainly originated from legal factories in Italy, Germany and Belgium; revolvers were mainly produced in the United States and Germany; the gas and alarm weapons that were later converted generally came from factories in Italy, Germany and Turkey; and up to 2010 automatic firearms came mainly from the UK, what was then Serbia and Montenegro, and Russia.<sup>65</sup> Overall, the conclusion was that this is an EU problem: 75% of the illegal firearms seized in the Netherlands were produced in EU member states.<sup>66</sup> According to experts, it can be assumed that this picture has not changed considerably in recent years.<sup>67</sup> However, investigations have identified an occasional new type of firearm linked to European countries of origin that were previously less prevalent: the Czech-manufactured CZ vz.58. This could be connected to the increased trafficking of deactivated or reactivated firearms from Slovakia (see section 2.3.3).

### 2.2.2 Prices

The Dutch police have gathered a large amount of information for the period 2002-2017 on the prices of firearms in the criminal underworld, mainly from investigation reports and information collected from informers.

In the Netherlands, pistols cost on average €1,000-2,000, while AK-47s are sold for €1,500-4,500 (including 100 rounds of ammunition). Recycled, slightly damaged firearms or fake brands are the cheapest.<sup>68</sup> In 2008 it was established that converted gas and alarm pistols had been on sale for at least ten years for €300-500.<sup>69</sup> More recent police data and interviews with detainees confirmed these prices.<sup>70</sup> For specific Glock pistols the price can go up to €3,000. This observation is supported by the discovery of a comprehensive price list that circulated in the Dutch underworld in 2008 and listed virtually all the types of firearms on offer. On this list, an AK-47 was listed at €1,600, which is lower than for some pistols.

The available data show that prices have remained quite stable over the years. This same price list was seized during searches over a period of several years in various criminal investigations.<sup>71</sup> The picture has not changed since 2012, which indicates no scarcity of lethal firearms. This observation, in combination with the observation that more automatic firearms are used and found in criminal circles (see section 2.2.1), suggests that the market for automatic firearms in the Netherlands has grown in scale since 2012. In a recent case there even seems to be the suggestion of a temporary over-supply in the market: Skorpion vz.61 machine pistols were being offered in sets of ten and for a lower price than previously seen in other cases. Apparently, this was due to a (temporarily) large stockpile or a new supplier.

Large price differences can be observed across European countries, which makes the Netherlands an interesting destination and transit country for trafficked firearms. Although the identified prices on the illegal market vary, according to the Dutch police there are strong indications for classifying the Netherlands (1) as an outlet for firearms particularly from Serbia (and also from Slovakia); and (2) as a transit country for firearms destined for the UK. In Serbia, for example, AK-47 assault rifles can be acquired for €300-350, while in Slovakia they go for €500. The Netherlands is therefore an interesting market because the same weapon costs around €500-1,000 more than it would in Belgium. Transit to the UK is even more interesting. According to the Dutch police, AK-47 assault rifles would cost €3,000-11,000. These prices were identified in various investigations in the period 2012-2016, which revealed that weapons were purchased in the UK from the Netherlands or (telephone) contacts were made between UK arms dealers and individuals in the Netherlands.<sup>72</sup> In addition, bartering firearms for drugs can be very lucrative, because good-quality drugs can be bought cheaply in the Netherlands and sold in countries where guns are cheap and drugs expensive. Thus, the importance of the Netherlands as a drug market cannot be separated from its attractiveness as an intermediate destination for illicit firearms. For Dutch criminals, firearms constitute a valuable asset that can be exported to other countries, but also sold in the Netherlands, although the latter takes longer because the market is relatively small. Whatever the case, firearms are durable goods and for this reason are a good long-term investment. For example, there are rumours that at least one Dutch criminal bought an entire container of firearms from Belgian firearms dealers who wanted to get rid of them after Belgian firearms legislation was tightened in the early 1990s. The police assume that the buyer was able to draw an income from this hidden stock for at least a decade, in addition to the revenues from his other criminal activities.

## 2.3 Sources of weapons on the illicit market

The Netherlands does not manufacture firearms. Consequently, illicit firearms must either be smuggled across the Dutch border, stolen from legal owners or illegally manufactured in the country itself. In practice, the majority are manufactured legally in other countries and diverted to the illegal sphere at some point.<sup>73</sup>

### 2.3.1 Illegal production

Around 5% of the illegal firearms encountered in the Netherlands have never been legal, and have thus been illegally manufactured at some stage.<sup>74</sup> Among these weapons a distinction can be made between (1) self-produced firearms (often hidden or disguised firearms such as pens with guns built into them); (2) brand replicas; and (3) weapons made up of individually acquired firearms parts.

Little is known about the origins of self-made firearms. They seem to be largely the result of 'cottage industries' abroad, sometimes with indications of somewhat more professionally based illegal workshops. Annually, several dozens of these firearms are encountered in the Netherlands, mainly during searches and linked to other firearms finds.<sup>75</sup>

In recent years Dutch police have also discovered so-called 'brand replicas'. During the war in the Balkans the 1990s Croatian manufacturers produced several brands that imitated real ones (e.g. Uzi, Smith & Wesson); these were also encountered in the Dutch criminal underworld.<sup>76</sup> Croatia has a long tradition of brand counterfeiting.<sup>77</sup> A new trend originating from Croatia are fake 'R9 Arms' sub-machine guns. This type of firearm was seized in the Netherlands for the first time in 2012.<sup>78</sup> The full name of the legal weapon is 'R9 Arms Corp. U.S.A.'<sup>79</sup> Possibly this fake branding is intended to make the gun more attractive to buyers. Most probably they were built in a small, illegal factory or workshop in Croatia. Until the start of 2014 fake R9 Arms sub-machine guns were only encountered in the Netherlands; since then there have also been seizures in Germany, Belgium, the UK and France.<sup>80</sup>

The phenomenon of firearms built up from individual parts has not been observed in the Netherlands until fairly recently. In recent years in particular, built-up Glock pistols have been found. In 2014 one such Glock pistol was seized, while in the first half of 2015 an additional 30 built-up Glock pistols were seized. In these cases, casings for Glocks have been purchased in Austria via the internet (no permit/licence is required), while additional components were legally acquired in the United States. These components were then assembled into a firearm. It is currently

unknown where and by whom these firearms were assembled. Doing so does not require much expertise and acquiring the parts is relatively cheap. The casings of the most popular models (Glock 17 and 19) only cost around €140 in Austria. The remaining parts cost a few hundred dollars at most in the United States. This means that a lethal Glock can be put together for a price lower than that of a regular Glock pistol in the criminal underworld. Although US firearms dealers can no longer send firearms components to international addresses, it has been observed that people have all sorts of creative solutions for this, such as shipping under a different name, sending them via friends in the United States or making use of courier services. The Europol Firearms Focal Point is investigating this phenomenon.<sup>81</sup>

### 2.3.2 Conversion of gas and alarm weapons into lethal firearms

Gas and alarm pistols that can be converted are acquired in countries where they can be bought without a licence. These firearms are then illegally converted to fire live ammunition. Converted Italian-, German- and Turkish-made firearms are encountered in the Netherlands. The first converted firearm to attract attention in the Netherlands was the Tanfoglio GT28, which was produced in Italy and converted in the border area of Spain and Portugal, but these conversions slowly disappeared from the market due to effective enforcement. Since 2007 converted pistols of the Turkish brand Ekol Tuna and associated types appeared more frequently, as well as converted German Walther P22 and P99 gas pistols.<sup>82</sup> In addition, converted Turkish Zoraki alarm pistols have been encountered in the Netherlands in recent years. A significant recent development seems that conversion not only takes place abroad, but also in the Netherlands itself, although the scale remains unclear.<sup>83</sup>

### 2.3.3 Recycling of rejected, malfunctioning, decommissioned or depreciated firearms

For several years the illicit trade in recycled firearms has been characterised throughout the EU as a constantly growing market.<sup>84</sup> In this context the term ‘recycled’ means that rejected, decommissioned or malfunctioning firearms are made useable. Often these are discarded police or army weapons, for example, the firearms arsenals of these services had been modernised, after which the old weapons were sold legally as decommissioned ‘decorative firearms’ or converted into alarm weapons. In the Netherlands old pistols from the Danish, Swedish, and East German police, and previously decommissioned Russian, Hungarian and Finnish pistols have been seized.<sup>85</sup> The core of the problem is the differences in legislation and regulations among the various EU member states dealing with the decommissioning

of firearms, on the one hand, and the sale of firearms components and ammunition, on the other. This allows arms dealers to acquire decommissioned firearms and firearms components in various EU countries without restrictions. In the past, large numbers of recommissioned FN, Walther (PP and PPK models), Makarov, FEG and Tokarev pistols in particular have been seized.<sup>86</sup> From 2010 Nagant revolvers, which appeared to be reactivated in the Netherlands, also drew the attention of the Dutch police.<sup>87</sup>

In recent years, however, the main concern was the illegal flow to the Netherlands of Slovakian reactivated (largely automatic) firearms, especially CZ vz.58 assault rifles, which first appeared in 2013. In the first half of 2016 the Dutch police seized such weapons almost every week. Based on sales data in Slovakia and the illicit business activities of identified Dutch traffickers, the Dutch police assumed that criminals had smuggled hundreds and perhaps even more than a thousand reactivated firearms from Slovakia to the Netherlands. Some of these guns have been used to commit murders in the Netherlands.

Slovakian firearms stores seem now to be concentrating on the sale of so-called Flobert firearms instead of acoustic firearms, and they seem with this to open up a new market that gives some legal room for manoeuvre, but equally quickly leads to illicit trade. Flobert firearms are firearms with a limited fire power (up to 7.5 Joule) and a small calibre (generally 6 millimetre or 4 millimetre M20) and are freely obtainable in Slovakia (but also, for example, in Germany). The first Flobert firearms from Slovakia – pistols of the brand/model Walther P99 – were encountered in the Netherlands in the first months of 2016. It transpired that the firearms did not comply with the current specifications of a Flobert firearm and were simply original sharp-shooting firearms. This is again a good example of a part of a law being tightened in one EU country, after which traders simply find another loophole in the law. If countries are not obliged to adopt equivalent legislation and regulations which apply throughout the EU, these problems will, it is expected, continue.<sup>88</sup>

#### 2.3.4 Embezzlement

There are very few up-to-date data on embezzlement as a method of leaking legally owned firearms into the illicit gun market in the Netherlands through corrupt legal arms dealers or gun owners. The most recent example dated from 2010 and involved a corrupt Dutch legal arms dealer and a single firearm.<sup>89</sup>

Other known cases involved foreign firearms dealers who illegally sold large quantities of firearms to the Dutch criminal underworld. In various investigations in the



period 2003-2008 the Dutch police encountered a total of 203 Glock pistols with erased serial numbers that originated from a licensed German firearms dealer who embezzled more than 4,500 firearms (including Glock and Beretta pistols, and Ruger revolvers) between 2001 and 2006. This dealer made it appear that he had himself converted the Glocks from lethal 9 mm calibre pistols to 3 mm M20 pistols, that is, *luft energie patrone* (LEP, or air pressure cartridge) firearms that can be legally sold in Germany. In his arms register the firearms were deregistered with the remark: 'converted to LEP firearm'; in practice, the weapons disappeared into the criminal underworld in their original form. The German authorities have since shut down the company.<sup>90</sup>

Another licensed German firearms dealer was caught in 2008 selling weapons to Dutch nationals who did not have a permit. After an extensive investigation a delivery was monitored and 15 Glock pistols were confiscated. The police were unable to establish how many illegal firearms had been traded to the Netherlands via this route. There were, however, rumours that the Dutch suspects had been in the arms trade for many years.

A third example concerns a corrupt Belgian arms dealer from Beveren who filed off the serial numbers of firearms and sold them to customers without a permit. The dealer was convicted in 2008, but between 2004 and 2006 he sold 779 firearms in this way, including automatic weapons and riot guns. More than half of these firearms were sold to 'a Dutchman' and in the following years the police seized several of these weapons from Dutch criminals.<sup>91</sup>

A final example again concerns a legal German firearms dealer operating a shop close to the Dutch border who 'sold' 128 firearms to several non-existent Dutch customers. Some of these firearms were later seized from criminals who were involved in illegal cannabis production in the Netherlands.<sup>92</sup>

### 2.3.5 Theft

Firearms are also acquired through theft from government stockpiles, private individuals, licensed firearms dealers and shooting clubs. In 2012 nearly 400,000 firearms were registered as missing in the Schengen countries, around 1,600 of which were in the Netherlands.<sup>93</sup> Particularly relevant for the Netherlands is the large number of weapons disappearances in neighbouring countries (in 2012, 31,000 firearms disappeared in Belgium and 143,000 in Germany), since these firearms could easily end up in the Dutch criminal underworld.

In the Netherlands, around 300-400 firearms are stolen each year.<sup>94</sup> Most of these thefts involve firearms stolen from individual permit holders.<sup>95</sup> In recent years some large-scale firearms thefts also took place from legal arms dealers and shooting clubs in the Netherlands: in the 2012-2015 period there were four instances of this involving around 20-30 stolen firearms per case.<sup>96</sup> After a remarkable case involving a large number of air force pistols in 2005,<sup>97</sup> no major thefts have taken place from government stockpiles.<sup>98</sup>

### 2.3.6 Smuggling

The smuggling of firearms to the Netherlands traditionally takes place by road with cars, vans and trucks from or via the neighbouring countries of Belgium and Germany. Individual shipments of illicit firearms are usually small (less than ten at a time).<sup>99</sup> Large-scale container trafficking has not been detected since 2004. The Dutch police believe that a few people in the Netherlands import firearms on a large scale.<sup>100</sup> The few cases that have been discovered each year indicate that these people have often built up a large and varied firearms arsenal, with handguns, semi-automatic and automatic firearms, anti-tank weapons, and hand grenades. Networks of family members or communities abroad play a large role in this kind of smuggling. The National Threat Assessment 2012 refers to illegal importers with Turkish and Portuguese connections. The most recent National Threat Assessment 2017 mentions mainly importers with connections with countries such as Poland, Croatia, Slovakia and (to a lesser extent) the Antilles.<sup>101</sup>

The police have observed that Dutch criminals have recently been experimenting with new trafficking methods. It was observed that firearms components were hidden in large postal parcels sent to various parties in the Netherlands.<sup>102</sup> The police observe that the practice of ordering firearms via the internet and having them delivered by postal and courier services has increased considerably since 2012. Both major and petty criminals use this method, according to the National Threat Assessment 2017. However, there is also considerable uncertainty about the exact scale: 'It is unknown how the trade via the internet relates in scale to the normal face-to-face trade.'<sup>103</sup>

With the growth of firearms sales via the internet several perfectly innocent facilitating actors have become more important for the illicit firearms market in the Netherlands, for example, courier companies. Illegal firearms dealers use these companies to send packages of firearms anonymously from, for example, the United States to the final recipient in the Netherlands. The use of courier companies makes it more difficult for law enforcement agencies to detect these types of

firearms shipments. A new feature is also the use of so-called straw purchasers in the United States; that is, US citizens who can legally buy firearms in the United States, and do so on behalf of criminal firearms dealers in the Netherlands. They then send the firearms to the Netherlands via courier companies.

## 2.4 Actors in the illicit gun market

In many ways the market for illegal firearms is a closed one comprising importers, buyers and sellers who have often known each other for years.<sup>104</sup> This situation has recently become less absolute through the emergence of the dark web, where suppliers and buyers who do not know each other can be brought into contact.

In the Netherlands, illegal firearms are mostly sold to criminals. The customers identified by the police tend to have criminal records involving financial and violent crimes and are mainly ethnic Dutchmen, followed by people of Moroccan or Turkish origin.<sup>105</sup> The people involved in the illegal sale of firearms in the Netherlands are virtually always men; the majority were born in the Netherlands and have Dutch nationality.<sup>106</sup> These men tend to have criminal records, with a relatively large number of WWM offences. Many criminal groups that trade firearms are also active in other forms of crime, such as drug trafficking or contract killing in the criminal underworld.<sup>107</sup>

Those involved in the larger cases of illegal sale of firearms are often criminal members of the commercial traveller community or members of outlawed motorcycle gangs. Since 2012 two cases have involved the conviction of motorcycle gang members for illegal trade in firearms. The first case involved an investigation into the president of the Satudarah gang in the city of Tilburg. He was convicted of supplying automatic firearms to a new chapter of the gang in the German city of Duisburg (the weapons were possibly intended for a conflict with a rival gang). The second case involved the sentencing of the president of the Hells Angels in the Dutch city of Haarlem to two-and-a-half years in prison in connection with, among other things, an arsenal of firearms that had been uncovered. In recent years various criminal members of the commercial traveller community have been under serious investigation for possible links to two large arms dealers and a sizeable arsenal of firearms that was discovered in 2015 in a garage lock-up in Limburg.<sup>108</sup> Finally, the National Threat Assessment 2017 links 'criminal groups of Dutch-Antillean or former Yugoslav origin' and 'developed criminal youth groups' to illegal firearms sales.<sup>109</sup>

It seems that buyers of firearms use several supply lines. Within the larger network of Dutch-Antillean criminal groups, requests for firearms are circulated via mobile phone messaging. This can also be observed among youths who trade in illegal firearms. WhatsApp and other easy-to-use message systems form a flexible middle layer of firearms brokers. According to the National Threat Assessment 2017,

*there are also groups involved in brokering; the members of these groups belong to a broader network and form ad hoc coalitions. After importation, they take care of the further sales of the firearms in the Netherlands. The group members are able to contact each other easily.<sup>110</sup>*

The National Threat Assessment 2017 also states that ‘firearms are more frequently leased, particularly by street gangs’.<sup>111</sup> In addition, firearms arsenals have been uncovered that seem to have come from different supply routes.<sup>112</sup> An example of this is a major discovery of firearms in Nieuwegein. In this case the police and the Public Prosecutor’s Office found an unprecedented number of weapons and related materiel in a warehouse: 60 pistols and revolvers, nine hand grenades, 36 automatic weapons and large amounts of ammunition. A dozen bulletproof vests were also seized.<sup>113</sup>

## 2.5 The Netherlands as a transit country for illicit firearms trafficking

While most of the firearms trafficked to the Netherlands are sold domestically, some are exported to lucrative markets in other countries, especially the UK and Ireland. Several examples illustrate this. In 2008 the Amsterdam police discovered a large stash of firearms primarily originating from the United States and Germany that were intended for export to Ireland and the UK by an Irish criminal group that was suspected of smuggling weapons, drug and cigarettes.<sup>114</sup> In 2011 the military police discovered more than a hundred semi-automatic firearms during a roadside search of a van. The Hungarian driver claimed he was on his way to deliver firearms to collectors in the UK. He did not possess the papers necessary for transit and the firearms had not been decommissioned.<sup>115</sup> An interesting related case is that of a US citizen in 2007 who had to ‘babysit’ a large quantity of firearms stored in a house in Amsterdam. He was part of a British criminal group that smuggled cocaine from Jamaica to the UK and that had been linked to several murders in the latter country.<sup>116</sup> It is currently not clear whether the firearms were on route to a more lucrative market abroad or were to be stored in the Netherlands until they were needed in the UK. The findings of earlier studies suggest that British criminals have settled in the Netherlands, partly because the Netherlands acts as a transit and distribution

country for heroin and because of the UK's strict enforcement and investigation policy.<sup>117</sup> These criminal links may also play a role in the trafficking of illegal firearms. Recently, a police investigation of supply lines of reactivated firearms from Slovakia has also revealed connections between Dutch firearms dealers and British customers.<sup>118</sup> There are also reports of a Dutch-based criminal group that makes use of low-flying light aircraft to ship drugs and firearms to the UK.<sup>119</sup>

Occasionally there are indications of transit to destinations other than the British Isles. A Europol investigation, for example, revealed a distribution route for firearms from Kosovo via the Netherlands and Denmark to Sweden involving a Dutch motorcycle gang.<sup>120</sup> Sometimes the smuggled firearms are also destined for Southern Europe, for example, to Italy, smuggled by a drug-trafficking group.<sup>121</sup> In 2007 the National Crime Squad received information about firearms being possibly trafficked from a military base in Estonia via the harbour of Rotterdam and with the involvement of the Revolutionary Armed Forces of Colombia (the main Colombian insurgency group). It involved 25,000 AK-47s and HK-G4-type assault rifles. To finance the transport of these firearms, batches of cocaine were delivered to the United States and the Netherlands. Firearms to the value of US\$50 million were apparently exchanged for the cocaine.<sup>122</sup>

### **3. Terrorist access to the illicit gun market in the Netherlands**

Information on the ways in which terrorists in the Netherlands have acquired firearms is scant and fragmented, mainly because only two terrorist attacks have been committed with firearms in recent decades. The first was on filmmaker, columnist and director Theo van Gogh on 2 November 2004 by the Muslim extremist Mohammed Bouyeri. The second was the murder of politician Pim Fortuyn by the radical left environmental activist Volkert van der Graaf. In addition, in recent years at least 15 people in the Netherlands have been suspected of planning terrorist attacks with firearms. In this section we describe these cases based on public court records supplemented by media reporting of the cases. The court records also contain information about firearms possession in the Netherlands or about firearms acquisition in or trade to the Netherlands.<sup>123</sup> Our analysis of how the terrorists acquired their firearms will be presented in the final parts of the section.

### 3.1 Overview of firearms-related terrorist activities in the Netherlands

#### 3.1.1 Political murders

As stated above, two successful politically motivated murders of high-profile targets have been carried out in the Netherlands since 2000. On 6 May 2002 the environmental activist Volkert van der Graaf (whom we will call suspect A) shot Pim Fortuyn dead nine days before the parliamentary elections in which Fortuyn's party (Lijst Pim Fortuyn) was predicted to achieve a major victory. Van der Graaf saw Pim Fortuyn 'as a danger to society', particularly to 'vulnerable groups such as Muslims and people on disability benefits'.<sup>124</sup> He fired five rounds at close range and hit Fortuyn in his chest, neck and head. The perpetrator had no criminal record and used a Star Firestar M-43 semi-automatic 9 mm single-action pistol. He carried the firearm loaded with seven bullets around with him and had previously kept it hidden in a case in his attic. This case was later found and contained two boxes of ammunition (25 rounds of S&B, 18 MRP rounds and three other rounds).<sup>125</sup> Van der Graaf stated that he had purchased the firearm in 1997 or 1998 in a bar in Ede to 'protect himself against farmers who threatened him because of the legal proceedings he was taking against them'.<sup>126</sup> Van der Graaf supposedly purchased the ammunition in The Hague and the firearm had traces of DNA on it that could link it to a robbery committed earlier.<sup>127</sup>

The second high-profile case was the murder of film-maker, columnist and director Theo van Gogh. On 2 November 2004 Muslim extremist Mohammed Bouyeri (suspect B) killed him with seven bullets fired from an HS 2000 pistol. He then cut Van Gogh's throat with a large machete. Two passers-by were shot at and in an exchange of fire with the police he shot at eight police officers and threatened three others by pointing the pistol at them. He then reloaded his pistol with 15 more rounds.<sup>128</sup> After the murder, a great deal of information was revealed about the many contacts Bouyeri had with members of the so-called Hofstad network, which had been under AIVD surveillance since 2002 for the possible planning of terrorist activities (see more about this network below). For example, members of the Hofstad network had visited him at his home.<sup>129</sup>

### 3.1.2 Other terrorist activities

*Suspects in the so-called Hofstad case.*<sup>130</sup> In the middle of 2002 a group of Muslim youths in The Hague attracted the attention of the AIVD because their behaviour was becoming increasingly more radical. An investigation was started into the group and from the middle of 2003 the AIVD identified more and more indications that an attack was imminent. In October 2003 the public prosecutor issued arrest warrants for five members of the group, which from then on was known as the Hofstad network. Because of lack of solid evidence, four people were released within two weeks, while the fifth was deported from the Netherlands.<sup>131</sup> On 7 June 2004 the AIVD then observed one of the main suspects, Samir Azzouz (suspect C), scouting the surroundings of the AIVD building. At the end of the month he was again arrested, this time for possible involvement in an armed robbery – which could, however, not be proved.<sup>132</sup> The police did search his house and found items possibly related to terrorism plans: maps, photos, and drawings of objects, notes about security-related matters, explosives, two magazines and a silencer for an automatic firearm, an imitation weapon, soldered electrical circuits, a bullet-proof vest, a set of night-vision goggles, ammonia, and hydrochloric acid.<sup>133</sup> The investigation of Samir Azzouz led to Operation Piranha, which is discussed below.<sup>1</sup> A second firearm that was discovered and linked to this group was an imitation weapon that was found in a house raided by the police on 10 November. The casing of this firearm had on it the mixed DNA profile of three people: the two suspects who were present in the house and who had been the targets of the raid – Jason Walters (suspect D) and Ismail Akhnikh (suspect E) – and another person whose identity we were unable to discover in open sources (suspect F). More important for the arresting team was the fact that suspects D and E were then in possession of four hand grenades from the former Yugoslavia, one of which was thrown at members of the arresting team during the raid.<sup>134</sup> Finally, it has become known that a loaded Agram 2000 machine pistol was found on the back seat of the car belonging to the Hofstad suspects Nouriddin El Fathni (suspect G) and his wife, Soumaya Sahla (suspect H), when they were stopped on 22 June 2005 at the Lelylaan station in Amsterdam. This incident was considered by the judge in the case to be ‘separate from the Hofstad network’, because when this arrest was made the other Hofstad suspects had already been in custody for several months.<sup>135</sup> Both suspects G and H were sentenced by the court on 10 March 2006 and 18 October 2005, respectively, for complicity in the possession of the Agram 2000.

<sup>1</sup> Another reason is that in 2003 the AIVD had intercepted a telephone call between suspect Samir Azzouz and the Moroccan-Spanish terrorism suspect Abdeladim Akoudad, who was suspected of involvement in the attacks in Casablanca on 16 May 2003. He too was detained in January 2003 with a friend at the border with Ukraine, on his way to Chechnya (De Wijk, 2012).

*Suspects in the Piranha case.*<sup>136</sup> This case was a follow-up of the Hofstad investigation and partly concerned the same suspects (suspects C, G and H, together with four other suspects). Four new suspects make an appearance: Mohammed Chentouf (suspect I), Mohammed Hamdi (suspect J) and the married couple Lahbib B. (suspect K) and Hanan S. (suspect L). According to the public prosecutor, all seven suspects were 'on one or more occasions in possession of firearms', including assault rifles.<sup>137</sup> Five of them were also suspected of transporting firearms by car to Belgium and The Hague (suspects G, H, I, K and L) and four of the five (all except suspect I) had practised their shooting skills 'near a wood in Amsterdam' using the AGRAM 2000 with which suspects G and H had previously been apprehended.<sup>138</sup> The Piranha investigation started in early October 2005 with an official notice from the AIVD. The seven were suspected of having firm plans for attacks, including attacks on politicians and the AIVD building in Leidschendam 'for the hearing of the appeal of Azzouz on 31 October 2005'. The AIVD was subsequently able to observe suspect C trying to order firearms: ten Kalashnikovs, two pistols with silencers and ten belts with five kilograms of explosives that worked on batteries. He was supposed to be phoned by a supplier in Belgium on 10 October 2005. However, the firearms dealer proved to be an undercover member of the AIVD: suspect C and the six co-suspects were detained on 14 October 2005 in The Hague, Almere, Amsterdam and Leiden.<sup>139</sup> Two weeks after that arrest, the National Crime Squad searched their rented house in Schaarbeek (Brussels). No further firearms were found, but later the police found firearms and ammunition in the cellar of a block of flats in The Hague with a shared entrance way where suspect H, the wife of suspect G, lived.<sup>140</sup> They were discovered by chance after torrential rain had flooded the cellar in early September 2006. When the fire brigade pumped the water out of the cellar they found two plastic bags containing two magazines, 300 bullets, a Smith & Wesson revolver and a Skorpion vz.61 machine pistol. The Skorpion vz.61 showed 'a very great similarity' to a sub-machine gun that could be seen in the background of a video made by suspect C.<sup>141</sup>

*A Dutch suspect in the Sharia4Belgium case.* This suspect was Redouan Akdim (suspect M), one of three Dutch nationals<sup>142</sup> who were extradited by the Netherlands to Belgium in the context of the major Sharia4Belgium trial in Belgium.<sup>143</sup> Together with other suspects from Belgium, suspect M was thought to have obtained money and recruited fighters for jihad in Chechnya. The Dutch court that heard the extradition case stated that in Belgium suspect M had been sentenced to eight years imprisonment and a fine of €11,000 for being one of the leaders of a terrorist group between 13 January 2010 and 24 November 2010 and for possessing, transporting and passing on/selling a firearm without a permit.<sup>144</sup> The report of the ruling contained several further details about the case. It was stated that suspect M was suspected of trading illegal firearms in Antwerp and elsewhere in Belgium between 1 March and 31 March 2010: 'The illegal arms trade involved at least one firearm and



was committed together with [name 1], who is also suspected of involvement with a terrorist organisation.’ In a letter from the Belgian authorities dated 11 January 2011, the following was also stated: *“On 6 March 2010, the person claimed was detained on Dutch territory in a car, in which he was driving with two others. A Ruger firearm, type SP 101, calibre .357 MAGNUM and the associated ammunition was found, which he had received before this in Belgium from [name 1]. A box of bullets with the label Fiocchi 9 Luger Palla Blindata Full Metal Jacket was also found in the car.”*<sup>145</sup>

*The Winzip case.* This case concerns Mohamed Abdiuwahab A. (suspect N), a Dutch national of Somali origin who returned to the Netherlands in the summer of 2013 after spending six months in Syria.<sup>146</sup> After his return, the police arrested him in 2014 for a minor offence and placed him in a cell with an undercover officer (whom we shall call A). He told A about a robbery he wanted to commit. A offered to help him. Suspect N was then apprehended in May 2015 with three firearms in his possession: a Pachmayr riot gun with serial number JB70040, a .357 Magnum calibre revolver and a gas pistol converted to 6.35 mm calibre. He was also illegally in possession of category III ammunition: six .38 Special calibre bullets, nine other rounds of ammunition, one .357 Magnum cartridge, a box with 25 rounds of 6.35 mm bullets and 30 shotgun cartridges. According to the Public Prosecutor’s Office, he intended to use the booty from the robbery to finance his terrorist activities. The element that makes the report of this ruling significant is that it contains several reports of intercepted conversations in which the suspect arranged the purchase of firearms.

*A Dutch suspect who was apprehended with a friend in Germany, probably en route to Syria.*<sup>147</sup> Mohamed el Atrach (suspect O) caught the attention of the Dutch police and Security Services because of his brother Abdelkarim el Atrach, who joined the terrorist movement Jabhat al-Nusra in Aleppo, and because of his connections with several members of a jihadist network in the Dutch city Arnhem. Suspect O was apprehended with survival clothing in the summer of 2013 in a car and was suspected of wanting to take this clothing to his and his friends’ brothers in Syria who were fighting for Jabhat al-Nusra. The suspect apparently wanted to join the group and was convicted of ‘preparing to participate in an organisation that has the intention of committing terrorist crimes’. In the report on the ruling it was stated that several imitation weapon were seized from the suspect: a black pellet gun and corresponding pellets, a black plastic pistol and another black ‘imitation weapon’. A fourth imitation weapon was also seized, but the possession of this weapon was not prohibited and the judge ruled that it had to be returned to him.

*A suspect preparing to go to Syria to participate in jihad.*<sup>148</sup> Pictures of a man with an AK-47 in his hands were also discovered on this potential fighter in the Syrian civil war (suspect P). The firearm was never found and there is no information in the

court records about its acquisition or who owned it. However, it was stated that the man had sent many text messages via services such as [www.paltalk.com](http://www.paltalk.com), [www.militaria4you.com](http://www.militaria4you.com) and [www.dumpshop.online.nl](http://www.dumpshop.online.nl). The man was declared not criminally responsible by reason of mental disorder: 'The suspect was encouraged by hallucinations to undertake the terrorist preparatory activities for which he is charged.'

*A suspect who was dubbed a 'recidivist jihadist' by the Public Prosecution Service and was detained on 9 October 2015 together with two other Dutch citizens<sup>149</sup> at the border between Bulgaria and Turkey, en route to Syria.<sup>150</sup> Younes A. (suspect Q) an 18-year-old man from Almere, was suspected of participating in a criminal organisation with terrorist intent: he wanted to join ISIS and, among other things, had inflammatory text messages on devices he owned. He was sentenced to one year in prison, eight months of which were suspended. The record of the ruling states that various investigations were started into this suspect in response to official AIVD reports dated 26-10-2012, 25-03-2015 and 30-07-2015, all dealing with his intention to travel to Syria and participate in jihad. The last-mentioned official report also states that the suspect had found an arms dealer and that, if his imminent attempt to leave the country failed, he wanted to 'do something' in the Netherlands. This led to a thorough investigation using far-ranging investigative measures, resulting in a new official report by the AIVD on 17 August 2015 specifically dealing with the firearms trade. The report states: "In the framework of its legal duties, the AIVD has at its disposal, in addition to the official report issued on 30 July 2015, the following reliable information: [suspect] (born on [date of birth] in [place of birth], Iraq) may, via [relevant party] (born on [date of birth] in [place of birth]), possess or come into possession of the [telephone] number of a person who could help him acquire automatic firearms. The relevant party apparently spoke to [the relevant party] about this. [The] relevant party considers such a firearm suitable for executing a 'lone wolf' action, by himself and/or with others."*

After receipt of this notification extensive investigative resources were deployed. A police investigator was placed in the immediate vicinity of the suspect and he was eventually led to a house that was fitted with bugging equipment. The suspect was finally detained on 9 October 2015, because he was possibly (once again) planning to leave for Syria or Iraq using a forged passport. The suspect was considered 'to a lesser degree criminally responsible by reason of mental disorder', because he 'functioned intellectually on the border of developmental disability'.<sup>151</sup>

Also relevant is the apprehension in 2016 of the French Syrian Anis B., whom the French public prosecutor suspected of involvement in preparing terrorist attacks.<sup>152</sup> When he was apprehended, 45 kilograms of ammunition were found in his apartment in Rotterdam, some for assault rifles. The public prosecutor claimed that the

man had bought this ammunition from Antillean criminals. NCTV Dick Schoof stated in a Dutch newspaper, ‘I cannot remember such a large arms find connected to terror ever being made before. A disturbing development.’<sup>153</sup>

3.2 Firearms acquisition by terrorists

Based on the previous section, we can draw up the following summary of illegal firearms that were linked to suspects who were convicted in the past 25 years of (planning) terrorist activities in the Netherlands (see Table 3). Another two suspects were making enquiries about purchasing firearms: the AIVD discovered that suspect C tried to order ten Kalashnikov-type assault rifles and two pistols with silencers (in addition to explosives) and that suspect P made enquiries about the purchase of an ‘automatic firearm’.

Table 3: Overview of terrorist-related firearms in the Netherlands

Types of firearms discovered (possession and/or used)	Number of firearms	Number of suspects who had access to these firearms, according to court records
<i>Submachine guns</i>		
Skorpion vz.61	1	7
Agram 2000	1	7
<i>Pistols</i>		
Star Firestar M-43 9 mm single-action semi-automatic	1	1
HS 2000 semi-automatic	1	1
Gas pistol converted to 6.35 mm calibre	1	1
<i>Revolvers</i>		
Smith & Wesson	1	7
Ruger SP 101 .357 Magnum	1	1
.357 Magnum	1	1
<i>Others</i>		
Pachmayr riot gun with serial number JB70040	1	1
Imitation weapon/pellet gun	5	5
<b>Total number of firearms and separate suspects</b>	<b>14</b>	<b>15*</b>

\* The same suspects had access to several of the weapons.

Although further details about the technical characteristics, physical condition or origins of these firearms are not available, we can conclude that this is a broad range of firearms – from automatic firearms to an imitation weapon – including sub-machine guns, revolvers, pistols and a converted gas pistol. What further attracts attention is that both automatic firearms that were encountered were manufactured in Central and South-Eastern Europe: in the Czech Republic (the Skorpion vz.61) and Croatia (the Agram 2000).

Dutch law enforcement agencies believe that terrorists in the Netherlands acquire their firearms through contacts in the criminal underworld. In January 2017 the NCTV stated that ‘Criminals and terrorists are increasingly working together. This means jihadists can acquire firearms more quickly.’ According to him, this inter-connectivity between the underworld and jihadism is a recent phenomenon: ‘We saw this much less a few years ago. When Syrian fighters return, they know where they can acquire items and services.’ This could be firearms and explosives, but also, for example, help with entering or leaving the country unobserved. He explained the growing collaboration stemming from the criminal pasts of those involved. Their old relationships remain intact: ‘Trade is trade for criminals. They don’t ask questions.’<sup>154</sup> It also emerges from research that many of the male jihad suspects have criminal records<sup>155</sup> and that they sometimes use their time in prison to contact criminals as possible future suppliers of firearms and explosives.<sup>156</sup> Furthermore, witnesses and exhibits suggest that jihadists actively and – occasionally – openly enquire about firearms and explosives. They then let the intended suppliers know that they have connections who could supply them with the finances needed to purchase firearms.<sup>157</sup> Illegal firearms dealers who focus exclusively on supplying firearms to jihadists in the Netherlands have not been identified.<sup>158</sup>

Based on court records, little can be said about the specific way in which the suspects described above acquired their firearms. Information on this may also be lacking because investigators focus primarily on the terrorist crimes themselves and not on the firearm. But several interesting observations arise indirectly, both in the two murder cases, and also in several cases where the suspects were under AIVD observation for a longer time, sometimes with the help of informers and undercover officers. Firstly, in the Piranha case it appears that the suspects who were living in Amsterdam also bought their firearms there.<sup>159</sup> Secondly, also in this case, it is clear that the firearms circulated around the entire group of seven people and were also regularly moved from place to place. All the individuals in this closely knit network could quickly gain access to firearms. These firearms were simply transported in the boot of a car and not much effort was made to conceal them. Thirdly, particularly the Winzip case, which involved a Dutch citizen from Delft of Somali origin who went to Syria (suspect N), demonstrates how easily this man

moved in both criminal and jihadist circles. It is possible that he sold illegal firearms to both fellow criminals and fellow jihadists. In the transcribed wiretapping reports he emerges as being able to supply all types of firearms very quickly because of his existing contacts in criminal circles. In 2014, for example, he said to an informer: *"that he had once with a boy collected several firearms in Utrecht Parkwijk with a bag of bullets. That there was also a shotgun. That the firearms were not new but for his own use but that he could sell them to [undercover agent] A-2154 if he had money with him. Then he [the suspect] said that he could arrange two new Glocks with a lot of bullets for 3,000 euros each. Later [the suspect] said that if they were not new he could arrange something for 2,200 euros each. [The suspect] said that he could in any case give A-2154 a Ladykiller 6.5 so that he had something and that he could arrange more."*<sup>160</sup>

And he said (also in 2014) to two undercover officers who had said that they needed firearms: *"if you need me I can help you" or words to a similar effect. We asked him what do you mean by helping. To this we heard him say that he could help us with two new Berettas. We then asked him when he could deliver them to us. He said, in two or three days ... We asked him whether he could deliver sooner. He then replied that he could supply a shotgun in three hours. ... We asked him all sorts of questions about how quickly he could deliver and the size of the firearm. We saw that he indicated with his hands a size of around 60 centimetres. He said that he had something else, namely a 6 mm firearm, a Ladykiller. I [undercover agent A-2158] asked whether the firearm had been used. He answered that this was a very new one. You could easily kill somebody with it. He also said that he had an imitation weapon that looked like a real firearm. ... We then asked him when he could deliver the firearms to us, he answered that he could deliver tomorrow around 12.00 noon or 1.00 p.m., together with a whole lot of bullets. ... He told us that that would cost 500 to 600 euros. We asked him whether he could deliver this evening. He answered that it was dangerous to drive around with those things in the car in the evening. Then he said it could be delivered tomorrow around 12.00 noon to 1.00 p.m. ... 'For the Berettas I have to speak to someone, perhaps it will take 1 day before I have them. And you must phone me tomorrow at 10.00 a.m. about the Ladykiller and the shotgun. We can then perhaps meet up between 12 and 1."*

The suspect and the two undercover agents subsequently met each other again in 2015:

*During the drive, I [undercover agent A-2158] asked how much experience [the suspect] had with firearms. [The suspect] said that he had a lot of experience with Kalashnikovs. ... I [A-2154] asked him whether he wanted to go along this evening, because this was, after all, a robbery. [The suspect] said to us, 'yes, I know what we're doing, brother' ... I [A-2158] asked [the suspect] whether he had any problems about doing things with firearms*

*and possibly using them. To this [the suspect] said 'no, of course not. I can arrange and organise a lot for you'.<sup>161</sup>*

Additionally, there is unconfirmed information in one case that criminal suppliers who were involved in trading drugs wanted to expand their activities by selling firearms to terrorists. This refers to a criminal group of Dutch nationals and Yugoslavians.<sup>162</sup> The core actors were Yugoslavian brothers who had emigrated from Albania and the former Yugoslavia to the Netherlands. They worked as doormen, started cannabis plantations and later also became active in the trade in cocaine, ecstasy and firearms. A car tyre centre was used for money laundering, as a meeting place and to conceal cocaine in tyres. Firearms were also stored and traded.<sup>163</sup> The available information does not reveal for which terrorists the firearms were intended (in the Netherlands or abroad, jihadists or others), but the criminals concerned explicitly mentioned terrorists as potential buyers of their weapons.

Supplementary to this, it has become known that the firearm used by suspect B to murder Theo van Gogh originated from a large batch of firearms that were stolen in Zagreb, Croatia, in 2000.<sup>164</sup> Most of these firearms ended up in the hands of criminals across Europe and suspect B probably also acquired his firearm from an illegal arms dealer in the criminal underworld.<sup>165</sup>

Finally, in the Pim Fortuyn murder case, the suspect (suspect A) stated that he had bought the firearm illegally in a café in Ede, a municipality in the Netherlands with around 110,000 inhabitants. He probably felt reasonably at home there, since he had worked in the vicinity (in Wageningen). The firearm was in the lower regions in terms of both price and quality. It was categorised as the 'Lada'<sup>1</sup> among firearms in the documentary *A Democracy in Shock*.<sup>166</sup> The suspect probably paid around €150 for it, claimed an firearms dealer who appeared as an expert witness in high-profile court cases.<sup>167</sup> The scenario seems conceivable that the customer did not want to pay a lot of money for it: it was not a top-quality firearm and was tainted, since it had been used previously in a robbery and could be traced. According to the firearms dealer, the suspect could have probably acquired the firearm through his own activist contacts. The expert indicated that in illegal circles 'they are very reluctant to supply a firearm to somebody outside those circles'. The expert thought it more likely to have come 'from the circles around the Basque terrorist movement ETA [Euskadi Ta Askatasuna]. After all, the Firestar is the service pistol of the Guardia Civil, the Spanish state police.'<sup>168</sup> The Spanish company Star Bonifacio Echeverria SA produced these firearms until 1994. The company went bankrupt, after which large numbers of Spanish police officers started to sell their own firearms to legal

1 The Lada was a Russian-made car with a very poor reputation in terms of its quality and reliability.

arms traders.<sup>169</sup> The precise nature of the link between legal dealers and the illegal market in the Netherlands is not clear. On July 2002, however, a Dutch newspaper stated that *“the firearm used to murder Fortuyn probably originated from a shipment that was smuggled from Spain to Belgium, and intended for the illegal market. In collaboration with other information and security services, including those of Spain and Belgium, it is being investigated whether the ‘Star Firestar’ had possibly been used previously in one of those two countries.”*<sup>170</sup>

Despite a possible connection between ETA and the environmental activist who killed Fortuyn, there is no evidence that terrorists with differing ideologies transfer firearms to one another.

#### 4. Conclusions

The firearms available on the Dutch illegal market seem to be mainly supplied to criminals in the Netherlands itself. The availability of assault rifles has increased in recent years, although it remains to be seen whether this is a temporary phenomenon because of the ‘Slovakian route’, which has now been closed, or the result of increased demand in the criminal underworld. The market for the main types of firearms used by criminals – pistols and revolvers – seems to be stable, because no price fluctuations have occurred.

Apart from being sold on the Dutch market, illicit firearms are almost certainly also routed to other countries via the Netherlands, particularly to Ireland and the UK. The Netherlands does not manufacture firearms and illegal arms dealers must therefore smuggle the weapons into the country, steal them from licensed owners or buy them from other illicit dealers. Firearms originating from illegal domestic production are seldom encountered.

In recent years, five important observations can be made with regard to the sources of the weapons on the Dutch Illicit firearms market. Firstly, like many other EU member states, the Netherlands has experienced increasing problems with firearms that have been introduced into the illegal market through the process of recycling – especially reactivated firearms coming from Slovakia. Secondly, the market for converted gas and alarm pistols remains substantial, and particularly converted alarm pistols of Turkish manufacture have recently turned up in relatively large numbers. A new development is the emergence of Dutch ‘converters’, while previously almost all converted pistols were brought in from abroad. Thirdly, the relatively new phenomenon has arisen of acquiring firearms by ordering parts from

online shops or on the 'dark web' and then assembling them into complete firearms. Because of differences in legal requirements among the various EU member states (but also between EU member states and the United States), a single part can usually be bought without a permit in at least one country and then be sent to the end user by post. For the time being, mainly firearms enthusiasts living in various countries who have extensive knowledge of national differences in legislation, who know each other from weapons fairs, and who stay in contact via closed online chatrooms seem to be involved in ordering and exchanging firearms parts. Fourthly, since 2012 a new self-built firearm has been encountered in the Netherlands: the 'R9 Arms' sub-machine gun, which is probably of Croatian manufacture. Fifthly, thefts from licensed owners, firearms dealers and military stockpiles have been consistent sources of supplies for the illegal firearms market: in 2012 around 1,600 firearms were registered in the Netherlands as missing and annually around 300-400 new firearms thefts are reported.

Illegal firearms seized in the Netherlands mainly originate from Germany and Belgium, as well as from the western Balkans. A relatively small group of firearms dealers import various types of firearms into the Netherlands, many of whom have been active for years and know each other directly or indirectly. Those who import firearms from countries such as Poland, Croatia and Slovakia have usually migrated to the Netherlands and use family members and friends who still live in their countries of origin to acquire firearms. It often remains unclear how a firearm is eventually sold to an end user. In investigations, people living in trailer parks, members of outlawed motorcycle gangs, criminal groups of Antillean or former-Yugoslavian origins, and criminal youth groups have been linked to the domestic illegal sale of firearms. Some youth gangs trade converted gas and alarm pistols and carry out contract killings.

Two terrorist attacks in the Netherlands in the past 25 years (1991-2017) were committed with firearms (the politically motivated murders of Pim Fortuyn in 2002 and of Theo van Gogh in 2004). In addition, Dutch law enforcement agencies have arrested (and often jailed) at least 15 other terror suspects who possessed illegal firearms or came close to acquiring them. The suspects possessed a broad range of illegal firearms – from automatic firearms to imitation weapons – including not only sub-machine guns, but also revolvers and pistols, and a converted gas pistol. Terrorists in the Netherlands are believed to acquire their firearms through their own (often previous) criminal connections. Illegal firearms dealers who focus exclusively on supplying firearms to jihadists in the Netherlands have not been observed. The police suspect that interconnectivity and collaboration between criminals and jihadists have increased in recent years, which means that the acquisition of firearms has become simpler and thus also quicker for terrorists. Based on particular cases, observations about the acquisition of firearms are as follows: that



firearms are acquired close to the place where the suspects live or in a social environment that they know; that firearms circulate within groups of like-minded individuals and are then regularly moved from place to place; that firearms are transported in the boot of a car or in a van and not much effort is made to conceal them; and that there are people who deal in firearms and move equally easily in criminal and jihadist circles.

Because of the threat and (potential) impact of possible terrorist attacks with firearms, but also based on concerns about the increasing use of automatic firearms by criminals in the Netherlands, national policy to tackle illegal firearms has been upgraded since 2015. In the past two years the number of criminal investigations and seizures of caches of firearms have increased. In the future the police intend to focus their efforts on four fronts in order to reduce the number of assault rifles available in the criminal underworld; reduce the flow of illegal firearms that come to the Netherlands from the western Balkans; combat the online acquisition of firearms and firearms components (and their dispatch via the postal service); and improve monitoring of the access to firearms of people with a criminal profile or who form part of a criminal network, focusing on radicalised people or those in the process of being radicalised. The national prevention policy to limit the acquisition of illegal firearms or the trade in firearms for terrorist purposes has intensified since 2005.

The Dutch police have increasingly participated in international investigations (e.g. in a JIT) and focused on increasing their cooperation with other countries' law enforcement agencies. Of crucial importance is the strengthening of the network of police liaison officers stationed in or near the western Balkans countries (Albania, Serbia, Kosovo, Macedonia, Bosnia-Herzegovina and Croatia). Collaboration with international actors such as Europol, Interpol and Eurojust is mainly characterised by the participation of Dutch firearms experts in relevant international consultations.

Recently the Dutch minister of safety and justice made combating the trafficking of and trade in illegal firearms a priority of the country's law enforcement agencies. The authorities struggle with the fact that in the Netherlands illegal firearms constitute a relatively small criminal market (when compared to drugs, for instance) and suppliers are often mainly involved in other types of crimes. Threat assessments should, however, emphasise the impact of the damage that a criminal or terrorist can potentially inflict with even a single automatic rifle, instead of focusing on numbers only. Every firearm in the hands of a determined perpetrator of violence constitutes a national threat and this alone should suffice to guarantee that the fight against the illegal firearms market will remain a law enforcement priority.

## ENDNOTES

- 1 See for example: Maalsté, N., P. Nijmeijer & M. Scholtes (2002), *De vuurwapengedetineerde aan het woord. Daderonderzoek naar achtergronden en motieven van vuurwapenbezit, vuurwapengebruik en vuurwapenhandel*, Den Haag, Ministerie van Justitie; Spapens, T. en M. Bruinsma (2002a), *De smokkel van illegale handvuurwapens vanuit voormalige Oostbloklanden naar Nederland*, Tilburg, IVA; Spapens, T. en M. Bruinsma (2002b), *Vuurwapens gezocht: vuurwapengebruik, -bezit en -handel in Nederland 1998 – 2000*, Tilburg, IVA; Spapens, T. en M. Bruinsma (2004), *Illegale vuurwapens in Nederland: smokkel en handel*. Zeist: Uitgeverij Kerckebosch, Politiewetenschap no. 26; Bruinsma, M. & H. Moors (2005), *Illegale vuurwapens. Gebruik, bezit en handel in Nederland, 2001 – 2003*, Tilburg, IVA; KLPD (2006), *Vuurwapensen explosieven. Deelrapport Criminaliteitsbeeld 2005*, Driebergen: Korps landelijke politiediensten, Dienst Nationale Recherche; Spapens, A.C.M. (2008). *De logistiek en aanpak van illegale vuurwapenhandel binnen de EU-landen. Justitiële Verkenningen*, 34(4), 64-75; Vries, M. de (2008a), *De illegale handel in vuurwapens en explosieven. Deelrapport Criminaliteitsbeeldanalyse 2007*, Driebergen, Korps landelijke politiediensten, Dienst Nationale Recherche; Vries, M.S. de (2008b), *De handel in omgebouwde gas- en alarmwapens. Vanuit een criminaliteitskundig perspectief*, Apeldoorn, Politieacademie.; Boerman, F. & M. Bruinsma (2012), *De illegale handel in vuurwapens en explosieven*, Zoetermeer, Dienst Nationale Recherche Informatie.
- 2 Relevant are in particular: Spapens & Bruinsma, 2002a; 2002b; 2004; Maalsté et al, 2002; Bruinsma & Moors, 2005; De Vries, 2008; Boerman & Bruinsma, 2012
- 3 The police produced this analysis recently for the National Threat Analysis (NDB) on organised crime, of which the summary report was published on 1 June 2017.
- 4 This website includes all rulings (after being anonymised) that are relevant from the point of view of case law and routinely all cases in which a sentence of four years imprisonment or more.
- 5 There are four categories of firearms and five types of firearm licences: exemption, permission, recognition, consent and transit exemption. (<https://www.justis.nl/producten/www/>)
- 6 Stb. 1997, 292; <http://wetten.overheid.nl/BWBR0008804/2017-01-01>
- 7 Stcrt. 1997, nr. 129; <http://wetten.overheid.nl/BWBR0008800/2017-01-01>
- 8 <http://wetten.overheid.nl/BWBR0038281/2016-07-15#Circulaire.divisieA>
- 9 <http://wetten.overheid.nl/BWBR0038281/2016-07-15#Circulaire.divisieB>
- 10 KST 2053237
- 11 WWM, art. 51, par. 4; <http://wetten.overheid.nl/BWBR0008804/2017-01-01#Paragraaf12>
- 12 <https://www.rijksoverheid.nl/onderwerpen/straffen-en-maatregelen/vraag-en-antwoord/hoe-hoog-zijn-de-boetes-in-nederland>
- 13 WWM, art. 51, sub. 3
- 14 “Orientation points indicate the sentence that judges tend to impose for the average fact (the most prevalent form of the punishable offence). They are established after an inventory is made of the practice of sentencing and after consultation with all courts. The orientation points are confirmed by the LOVS at the proposal of the Uniformity of Law

- Committee.” (LOVS, 2017: 1). <https://www.rechtspraak.nl/SiteCollectionDocuments/Orientatiepunten-en-afspraken-LOVS.pdf>
- 15 <https://www.rechtspraak.nl/SiteCollectionDocuments/Orientatiepunten-en-afspraken-LOVS.pdf>
- 16 KST 2053237
- 17 KST 2053237
- 18 Respondent OM
- 19 This encompasses the Mobile Oversight Security (MTV). See <https://www.defensie.nl/onderwerpen/taken-in-nederland/inhoud/grenstoezicht>
- 20 [www.aivd.nl](http://www.aivd.nl)
- 21 Ministry of Security and Justice, National Coordinator Counter-terrorism and Security and Ministry of social Affairs and employment (24 August 2014). *Action programme Integrated Approach to Jihadism, Summary. Measures and actions.*
- 22 See: [https://www.nctv.nl/onderwerpen/prioriteiten\\_2015/tegengaan\\_dreiging\\_jihadisme/](https://www.nctv.nl/onderwerpen/prioriteiten_2015/tegengaan_dreiging_jihadisme/). And see also: Ministry of Security and Justice, National Coordinator Counter-terrorism and Security and Ministry of Social Affairs and Employment (24 August 2014). *Action programme Integrated Approach to Jihadism, Summary. Measures and actions.*
- 23 Point 10.c of the aforementioned Action programme Integrated Approach to Jihadism.
- 24 Interview firearms portfolio holder police
- 25 Interview firearms portfolio holder police
- 26 Interview firearms portfolio holder police
- 27 KST 2053237
- 28 KST 2053237
- 29 Interview firearms portfolio holder police and submission of relevant internal documentation.
- 30 See for example [https://www.schoolenveiligheid.nl/wp-content/uploads/2015/10/Checklist\\_Wapenbezit\\_scholen\\_2015.pdf](https://www.schoolenveiligheid.nl/wp-content/uploads/2015/10/Checklist_Wapenbezit_scholen_2015.pdf)
- 31 See for example: [https://hetccv.nl/fileadmin/Bestanden/Onderwerpen/Uitgaansgeweld/Documenten/Preventief\\_fouilleren/handout-preventief-fouilleren.pdf](https://hetccv.nl/fileadmin/Bestanden/Onderwerpen/Uitgaansgeweld/Documenten/Preventief_fouilleren/handout-preventief-fouilleren.pdf) en <https://www.politie.nl/themas/preventief-fouilleren.html>
- 32 <https://www.parlementairemonitor.nl/9353000/1/j9vvij5epmj1ey0/vi3ansveyfzc>
- 33 Interview firearms portfolio holder police
- 34 [http://www.telegraaf.nl/binnenland/27562100/\\_Wapenbeleid\\_faalt\\_.html](http://www.telegraaf.nl/binnenland/27562100/_Wapenbeleid_faalt_.html)
- 35 [http://www.telegraaf.nl/reportage/27562068/\\_Engelsen\\_dupe\\_doorvoer\\_.html](http://www.telegraaf.nl/reportage/27562068/_Engelsen_dupe_doorvoer_.html)
- 36 KST 2053237.
- 37 Interview firearms portfolio holder police
- 38 Respondent OM
- 39 This concerned the Ceska vz.61 Skorpion. The firearm is often smuggled in parts because the body does not fall under the weapons act in Germany.
- 40 <https://www.nrc.nl/nieuws/2016/07/13/hoe-het-vuurwapengeweld-in-nederland-explodeerde-3215824-2-a1511304>

- 41 Interview firearms portfolio holder police, respondent OM and also see <https://www.youtube.com/watch?v=ETFYuzAGeYE>.
- 42 Respondent OM, firearms portfolio holder police
- 43 Ibid.
- 44 Interview firearms portfolio holder police
- 45 Ibid.
- 46 This information comes from an information letter from the National EMPACT Coordinator of Staff Corps Training National Police, dated 1 September 2016
- 47 Sagromoso, 2001
- 48 Spapens & Bruinsma, 2002b, p. 134, 135
- 49 Spapens & Bruinsma, 2004, p. 51-52; Spapens & Bruinsma, 2002b, p.135, 136
- 50 Bruinsma & Moors, 2005
- 51 Bruinsma & Moors, 2005, p. 131
- 52 Interview firearms portfolio holder at the police
- 53 Boerman & Bruinsma, 2012
- 54 Boerman & Bruinsma, 2012, p. 22, 23
- 55 These are the data of the units Amsterdam, Rotterdam, Zeeland West Brabant and East Brabant.
- 56 Police data for National Threat Assessment 2017
- 57 See <http://www.at5.nl/artikelen/133456/O39omwonenden-plofkraak-met-automatisch-vuurwapen-bedreigd039>, consulted on 12 May 2017
- 58 Police data for National Threat Assessment 2017
- 59 Boerman & Bruinsma, 2012, p. 23
- 60 <http://nos.nl/artikel/2061204-politie-nam-in-2-5-jaar-24-000-vuurwapens-in-beslag.html>
- 61 Boerman & Bruinsma, 2012
- 62 Boerman & Bruinsma, 2012
- 63 See for example <https://mancave.conrad.nl/werkend-pistool-uit-je-3d-printer-blue-prints-anyone/>, <http://www.nu.nl/tech/3622949/eerste-3d-geprinte-wapen-van-metaal-vuurt-vijftig-kogels-af.html>
- 64 Police data for National Threat Assessment 2017
- 65 Boerman & Bruinsma, 2012, p. 24-28
- 66 Boerman & Bruinsma, 2012, p. 28, 83
- 67 Police data for National Threat Assessment 2017
- 68 Police data for National Threat Assessment 2017
- 69 De Vries, 2008b, p.40
- 70 Police data for National Threat Assessment 2017
- 71 Boerman & Bruinsma, 2012, p. 31
- 72 Police data for National Threat Assessment 2017
- 73 Boerman & Bruinsma, 2012, p. 83

- 74 Boerman & Bruinsma, 2012
- 75 Boerman & Bruinsma, 2012; Police data for National Threat Assessment 2017
- 76 Boerman & Bruinsma, 2012
- 77 Spapens & Bruinsma, 2004
- 78 Police data for National Threat Assessment 2017
- 79 See for example <http://www.thefirearmblog.com/blog/2015/08/11/mystery-9mm-machine-pistol-seized-europe/>
- 80 Police data for National Threat Assessment 2017
- 81 Police data for National Threat Assessment 2017
- 82 Boerman & Bruinsma, 2012, p. 34-41, 54-56
- 83 Police data for National Threat Assessment 2017
- 84 Boerman & Bruinsma, 2012; BKA, 2014; Duquet & Van Alstein, 2016; Ernst & Young & SIPRI, 2014
- 85 Boerman & Bruinsma, 2012
- 86 Spapens & Bruinsma, 2004, p. 31; Spapens, 2008, p. 68
- 87 Boerman & Bruinsma, 2012
- 88 Police data for National Threat Assessment 2017
- 89 De Vries, 2008a, p. 81
- 90 The loophole in the German law (de-registering because of conversion to LEP) which the arms dealer used for his "blackening" practices, was closed on 1 April 2008.
- 91 Boerman & Bruinsma, 2012 and see also Duquet & Van Alstein, 2011, p. 157
- 92 Boerman & Bruinsma, 2012
- 93 Boerman & Bruinsma, 2012
- 94 Police data for National Threat Assessment 2017 And see also: Boerman & Bruinsma, 2012, p. 64
- 95 Including occasional government officials. See for example: <https://www.defensie.nl/actueel/nieuws/2013/05/21/weekoverzicht-defensie-operaties>, consulted on 12 May 2017. And: <http://www.omroepbrabant.nl/?news/174431642/Vuurwapen+gestolen+tijdens+Landmachtdagen+Oirschot.aspx>, consulted on 12 May 2017.
- 96 Police data for National Threat Assessment 2017 And also see for example: <http://nos.nl/artikel/490086-veel-wapens-gestolen-in-hoofddorp.html>, consulted on 12 June 2017; <https://www.stadindex.nl/druten/1444794-inbraak-bij-schietvereniging-in-dossier-gld>, consulted on 12 May 2017; <http://www.omroepbrabant.nl/?news/231190602/Reconstruatie+van+ramkraak+op+wapenwinkel+The+Gearshed+in+Kaatsheuvel+in+Bureau+Brabant.aspx>; <http://www.omroepbrabant.nl/?news/227712722/Wapenwinkels+geschokt+door+ramkraak+bij+Gearshed+in+Kaatsheuvel.aspx>, consulted on 12 May 2017
- 97 Boerman & Bruinsma, 2012, p. 59: "In April 2005, 206 service pistols were stolen from the secured firearms room of the Gilze-Rijen airbase. Six of the 206 Glock 17 pistols stolen have not been recovered; these were probably sold. The other 200 were found in a bag in a ditch. Possibly there was no market for these firearms. The theft was committed by a Pakistani, a Dutchman and a Brazilian, all resident in the Netherlands. Former service personnel were involved in this theft (KLPD, 2006, p. 79; De Vries, 2008a, p. 85)."
- 98 Police data for National Threat Assessment 2017

- 99 Boerman & Bruinsma, 2012
- 100 National Threat Assessment 2017 Organised crime, p.99.
- 101 National Threat Assessment 2017 Organised crime, p.99-100.
- 102 Police data for National Threat Assessment 2017
- 103 National Threat Assessment 2017 Organised crime, p.99.
- 104 Boerman & Bruinsma, 2012
- 105 Boerman & Bruinsma, 2012; Data police for National Threat Assessment 2017
- 106 Boerman & Bruinsma, 2012; Data police for National Threat Assessment 2017
- 107 Police data for National Threat Assessment 2017
- 108 Data National Police for National Threat Assessment 2017
- 109 National Threat Assessment 2017 Organised crime, p.100.
- 110 National Threat Assessment 2017 Organised crime, p.100.
- 111 National Threat Assessment 2017 Organised crime, p.100.
- 112 Police data for National Threat Assessment 2017
- 113 Public Prosecutor's Office (2015, 21 July). Unprecedented find of firearms in storage warehouse (press release) Derived from: <https://www.om.nl/actueel/nieuwsberichten/@90162/ongekend-grote/>.
- 114 Boerman & Bruinsma, 2012, case 7 in annex 1
- 115 Boerman & Bruinsma, 2012, case 30 in annex 1
- 116 Boerman & Bruinsma, 2012, case 2 in annex 1
- 117 Boerman, Grapendaal & Mooij, 2008, p. 234
- 118 Police data for National Threat Assessment 2017
- 119 Boerman & Bruinsma, 2012: csv 39 in annex 1
- 120 Boerman & Bruinsma, 2012
- 121 Boerman & Bruinsma, 2012, csv 99 in annex 1
- 122 Boerman & Bruinsma, 2012, csv 10 in annex 1
- 123 This is thus information related to the conviction of those persons in the context of terrorism; no WWM records investigation was carried out on these suspects.
- 124 <https://www.om.nl/vaste-onderdelen/zoeken/@53614/stelt-motief/> <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2003:AF7291>
- 125 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2003:AF7291>
- 126 <https://www.om.nl/vaste-onderdelen/zoeken/@53614/stelt-motief/>
- 127 <http://www.telegraaf.nl/binnenland/teksten/nws.der.wapen.onderzoek.fortuyn.html> via <http://www.volkertvandergraaf.net/Volkert/kocht%20wapen.htm>
- 128 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2005:AU0025>. And see also: the charges by the Public Prosecutor 26-1-2005: <https://www.om.nl/vaste-onderdelen/zoeken/@55867/stand-zaken/>. Neither the Public Prosecutor nor Mohammed B. appealed the sentence, so the ruling has become irrevocable.
- 129 See in particular the 'Oversight report concerning the deliberation processes of the AIVD with regards to Mohammed B. CTIVD no. 17' of the Oversight Committee concerning the information and security services (2008).

- 130 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:PHR:2010:BK5189>
- 131 CTIVD, 2008, p. 8
- 132 On Wednesday 6 April 2005, Azzouz was acquitted for the robbery, because of lack of evidence.
- 133 Court of Rotterdam, 'Ruling case number 10/030075-04', 6 April 2005. <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHSGR:2005:AU6181>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:HR:2007:AZ0213>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:PHR:2007:AZ0213> And supplemented for the names based on: [https://nl.wikipedia.org/wiki/Samir\\_Azzouz](https://nl.wikipedia.org/wiki/Samir_Azzouz)
- 134 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2010:BO9017>. And for the names supplemented on the basis of [https://nl.wikipedia.org/wiki/Politie-inval\\_in\\_Laakkwartier\\_in\\_Den\\_Haag](https://nl.wikipedia.org/wiki/Politie-inval_in_Laakkwartier_in_Den_Haag)
- 135 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2010:BO9017>. And for the names supplemented on the basis of: [https://nl.wikipedia.org/wiki/Nouriddin\\_El\\_Fahni](https://nl.wikipedia.org/wiki/Nouriddin_El_Fahni)
- 136 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2006:AZ3589>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2008:BC7531>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2008:BC7539>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHSGR:2008:BF4814>, <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2014:915>
- 137 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2014:915>
- 138 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2014:915>) and the names were further supplemented based on [https://nl.wikipedia.org/wiki/Nouriddin\\_El\\_Fahni](https://nl.wikipedia.org/wiki/Nouriddin_El_Fahni) and <https://www.om.nl/vaste-onderdelen/zoeken/@60918/rechtbank-rotterdam/>
- 139 <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBROT:2006:AZ3589>, 'Information AIVD and police from criminal file', Nova, 4 November 2005, as referred to in De Wijk (De Wijk, 2012, p. 26)
- 140 'Brussels: All traces wiped in Hofstad group building', De Telegraaf, 29 October 2005, as referred to in De Wijk (De Wijk, 2012, p. 26)
- 141 'Rain came at the right time for the public prosecutor's office', BN De Stem 8 September 2006, as referred to in De Wijk (De Wijk, 2012, p. 26).
- 142 The others extradited are Samir S. and Soufiane B. The Dutch Yassine el K who lives in Belgium was also detained in this matter.
- 143 See for example: <http://nos.nl/artikel/2018603-sharia4belgium-is-terroristische-groep.html>, [http://www.nieuwsblad.be/cnt/dmf20140930\\_01295313](http://www.nieuwsblad.be/cnt/dmf20140930_01295313)
- 144 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2015:2350>
- 145 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2011:BP2237>
- 146 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2016:851>. And see also: Vrij Nederland 14 February 2015, p.26
- 147 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHARL:2016:2025>; [http://www.telegraaf.nl/binnenland/23169365/\\_Dreigijhadi\\_blijkt\\_Arnhemmer\\_.html](http://www.telegraaf.nl/binnenland/23169365/_Dreigijhadi_blijkt_Arnhemmer_.html); <http://www.elsevier.nl/nederland/article/2015/07/dit-zijn-de-personen-op-de-nationale-terroristenlijst-2664668W/>; [http://www.telegraaf.nl/reportage/23168637/\\_Telg\\_uit\\_berucht\\_jihadgezins/](http://www.telegraaf.nl/reportage/23168637/_Telg_uit_berucht_jihadgezins/); <http://www.dagelijksestandaard.nl/2014/10/dreigende-jihadist-is-arnhemmer/>; <http://www.nrc.nl/handelsblad/2014/12/06/politie-ziet-netwerk-jihadisten-in-arnhem-1444181>

- 148 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2013:8265>
- 149 A 17-year-old girl from Utrecht and a 22-year-old man from IJmuiden (<https://www.rtl-nieuws.nl/nieuws/binnenland/drie-nederlanders-bulgarije-opgepakt-om-jihadisme>)
- 150 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2016:6681>. See also: <http://www.omroepflevoland.nl/nieuws/128455/almere-syrieganger-verdacht-van-deel-name-criminele-organisatie>, <https://www.omroepflevoland.nl/nieuws/146860/almere-syrieganger-overtreedt-contactverbod-om-eist-opnieuw-celstraf?dossier=617>, <https://www.rtlnieuws.nl/nieuws/binnenland/drie-nederlanders-bulgarije-opgepakt-om-jihadisme>
- 151 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2016:6681>
- 152 <http://www.ad.nl/rotterdam/terreurverdachte-had-45-kilo-aan-munitie-in-huis-liggen~adad8096/>
- 153 <http://www.nu.nl/terrorisme-in-europa/4424451/criminelen-en-jihadisten-werken-steeds-vaker-samen.html>
- 154 <http://www.nu.nl/terrorisme-in-europa/4424451/criminelen-en-jihadisten-werken-steeds-vaker-samen.html>
- 155 De Poot & Sonnenschein, 2009, p. 134, 135; De Bie, 2016, i.a. p. 20, 127, 230
- 156 De Poot & Sonnenschein, 2009, p. 76. See also p. 129
- 157 De Poot & Sonnenschein, 2009, p. 109
- 158 Interview firearms portfolio holder at the police.
- 159 <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBROT:2006:AZ3589>
- 160 <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHDHA:2016:851>
- 161 <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2016:851>
- 162 Boerman & Bruinsma, 2012
- 163 Boerman & Bruinsma, 2012: csv 32 in annex 1
- 164 Boerman & Bruinsma, 2012
- 165 Boerman & Bruinsma, 2012, p. 84
- 166 Documentary 'A democracy in shock'. Art-S Home Entertainment, January 2007.
- 167 <https://www.trouw.nl/home/hoe-kwam-volkert-van-der-g-aan-het-pistool--a50e2eea/>
- 168 <https://www.trouw.nl/home/hoe-kwam-volkert-van-der-g-aan-het-pistool--a50e2eea/>
- 169 Documentary 'A democracy in shock'. Art-S Home Entertainment, January 2007.
- 170 De Telegraaf, 6 July 2002. 'Pim's murder weapon comes from Spain.'





## Romania: firearms and security at the EU eastern border

**ROXANA ALBISTEANU, ALEXANDRU DENA  
AND MATTHEW LEWIS**

From a security perspective Romania is in a challenging geographical position and has to secure over 2,000 km of the external borders of the European Union (EU). Nonetheless, through strong cooperation with EU institutions, strong regulations on firearms and effective preventive measures against terrorist risks it has managed to become one of the safest countries in the EU, with fewer than ten gun-related homicides per year and no terrorist attacks in more than 20 years. While a series of complex factors contribute to this picture and other related factors are unknown due to the lack of publicly available data, it is interesting to analyse what has worked so far in terms of policies and regulations, and the main risks that Romania faces presently and will face in the future from the perspective of its illicit firearms market and terrorist access to it.

Our analysis is based on quantitative and qualitative methods and consists mainly of desk-based research and interviews (see Box 1). However, several major challenges significantly hinder a comprehensive analysis of these issues in Romania. The episodic nature of transactions on the illicit firearms market<sup>1</sup> and the low overall capacity of the Romanian public administration (including law enforcement institutions) to systematically collect data and use them to support evidence-based policy-making<sup>2</sup> (as indicated in the European Commission's 2016 *Romania Country Report*) poses a series of challenges in the process of systematically collect and analyse aggregated data based on information from various law enforcement or judicial authorities at the national level on firearms trafficking, gun-related violence, the potential relationship of gun traffickers to terrorist organisations, and the links among all these indicators. For research purposes, access to relevant aggregated data is difficult, particularly in terms of assessing if there is a connec-

tion between terrorist activities and the illicit firearms market. The main institution charged with counter-terrorism in Romania is the Romanian Intelligence Service (SRI), which is the Coordinator of the National System for Preventing and Countering Terrorism. This makes field research in the area very difficult, since interviewing experts working on counter-terrorism, most of whom work for the SRI, is very difficult, and information on counter-terrorism is mostly classified. There is also a significant lack of publicly available data in this area.

In the first section we discuss existing legislation dealing with the illegal possession, use and trafficking of firearms, national policy on the illicit firearms market in general and terrorist access to that market in particular. We focus on the key policy instruments, the main national players in the fight against the illicit firearms market and cooperation between the relevant national services and similar national law enforcement agencies in Europe, as well as international players (such as Europol). We end this section by identifying the main challenges facing national policy on the illicit firearms market in general and terrorist access to that market in particular.

Based on the available sources of information, the second section provides an analysis of the characteristics of the illicit firearms market, including potential diversion from the legal market, existing military stockpiles, and other factors such as convertibility and reactivation. The section also discusses the illicit firearms market in terms of the firearms that are available, their geographical origin, their prices, how they ended up on this market, the characteristics and dynamics of supply chains, and the profile of the players involved in this market based on an analysis of case studies, official reports, jurisprudence, and media articles for the period 2010-2016.

The third section provides a short description of terrorist activities in Romania in the past 25 years and discusses whether the country's illicit firearms market is connected to terrorism. The number of case studies dealing with this issue is limited, given that the country has not experienced a terrorist attack since the early 1990s.

### Box 1: Research design

The desk-based research for the first chapter consisted of a review of existing literature on the characteristics of the illicit firearms market and terrorist activities in Romania; the publicly available statistical data on the size, nature and supply chains of the illicit firearms market in the country; and the annual reports of the General Inspectorate of the Romanian Police (IGPR), the General Inspectorate of the National Border Police (IGPF), the Directorate for Investigating Organised Crime and Terrorism (DIICOT) – General Prosecutor’s Office, and the SRI. We also reviewed open-source information on the illicit firearms market in Romania between 2010 and 2016 (over 400 unique cases were identified from national and local media reports, while several hundred media articles were consulted).

Furthermore, as part of the field research, discussions with some of the main institutional actors in this area were held during an expert round-table discussion (held under Chatham House rules) organised at the headquarters of the European Commission’s Representation in Romania on 26 April 2017. The round-table discussion addressed the research questions of the SAFTE project one by one and facilitated an exchange of information among all the institutions involved. The participants were specialists from the Criminal Investigation Directorate, Intelligence Analysis Unit and Terrorism Department of the National Police; the National Authority for the Control of Exports (ANCEX, which is part of the Romanian Ministry of Foreign Affairs); the Military Technical Academy; and the Southeast European Law Enforcement Centre (SELEC). A separate discussion with the Weapons, Explosives and Hazardous Substances Directorate of the National Police was held in the following month.

In addition, we consulted court records of illicit firearms cases for the period 2010–2016 to obtain information on how various types of firearms have ended up on the illegal market, the characteristics and dynamics of the related supply chains, the geographical origin of various types of firearms, and the profile of players involved in the market. This information was obtained through the online jurisprudence database of the Superior Council of Magistracy (<http://www.rolii.ro>). Available court records related to possible cases of the acquisition or attempted acquisition by terrorists of illicit firearms were searched, but no cases were found. As the report shows, Romanian legislation does not allow that public court records for cases of terrorism-related activities provide any information on these cases.

## 1. **Romanian laws and national policy to fight the illicit firearms market and terrorist access to it**

As we illustrate in the following sections, firearms trafficking and gun-related crime in Romania are believed to be significantly lower than in other EU countries. Even though it is difficult to determine the size of the country's illicit firearms market, it is estimated to be quite small. This is due partly to strict regulations on gun possession, to a weak gun ownership culture and to the fact that organised crime groups (usually the main actors involved in firearms trafficking) have a different focus in their criminal activities on Romanian territory.

### 1.1 **Legal framework of the arms and ammunition regime**

The regime to control arms and ammunition is regulated by Law 295/2004 and the secondary legislation derived from it: Government Decision 130/2005 on the Methodological Norms for the Application of Law 95/2004, and Government Decision 1914/2006 on the Methodological Norms for the Application of the Provisions of Chapter VI of Law 295/2004.

According to Article 2.2 of Law 295/2004, a firearm is any portable gun with a barrel that can expell, is designed to expell, or can be transformed to expell a pellet, bullet or projectile by the action of a propellant fuel. It is considered that an object can be transformed for this purpose if it has the appearance of a firearm and, as a result of its construction or the material from which it is made, can be transformed for this purpose. According to the Criminal Code (2014), the breache of the arms and ammunition regime consists of failure to comply with the arms and ammunition regime, the illegal use of firearms, and the forgery and modification of firearms (as well as erasing markings on firearms). The Customs Code defines firearms smuggling as 'introducing into the country or taking outside of the country firearms, ammunition ... without authorisation', which is punishable with imprisonment for between three and 12 years.

In recent years Law 295/2004 has been amended several times and made more restrictive (see Box 2). According to the information presented on the website of the National Police, the regulatory changes to the arms and ammunition regime were adopted in the context of harmonising the country's national legislative framework with European regulations covering this area (Directive 477/1991/CEE of the Council of the EU on controlling the acquisition and possession of weapons, as amended and supplemented by Directive 2008/51/EC). New changes to this law are expected in the

future to conform with the proposed new EU Directive on firearms,<sup>3</sup> although for the most part Romanian legislation is stricter than the new provisions of this Directive. An example is that firearms and weapons subject to declaration in Category C of the Directive are governed by tighter regulations in Romanian law, since they are included in Category B: Firearms subject to authorisation. Some other provisions recently added to the new EU Directive – such as the requirements for psychological and medical examinations – were already in place in the Romanian law.

### Box 2: Recent amendments to Law 295/2004

**2008:** Emergency Ordinance 26/2008 amended Law 295/2004 by providing a tightening of the conditions for purchasing and owning weapons that use compressed air expansion as a propellant. Previously, airguns could be bought and owned without restriction, even though they could fire metal projectiles.

**2011:** Law 117/2011 amended Law 295/2004 by introducing the obligation to obtain a holder's licence for non-lethal weapons similar to the one required for lethal weapons, and requiring stricter storage conditions for non-lethal weapons, which are now the same as for lethal weapons.

**2014:** After the entry into force of the new Criminal Code in 2014, Law 295/2004 was republished because the chapter on gun-related crimes was now covered in the Criminal Code.

Before the adoption of the new Criminal Code, illicit trafficking in firearms was regulated by Law 295/2004 and was punishable by imprisonment of between three and eight years. With the adoption of the new Criminal Code (2014), the article that defined illegal trafficking in Law 295/2004 was repealed.<sup>4</sup> The offence is now defined by the Criminal Code as 'any other operation regarding the movement of firearms without right', as well as by the Customs Code (see above).

The offences related to the arms and ammunition regime dealt with in the Criminal Code are:

- *failure to comply with the arms and ammunition regime (art. 342).* The theft of firearms and ammunition was introduced as a distinct provision, while other provisions under this article include: owning/carrying/manufacturing or any other operation regarding the movement of firearms without authorisation and the operation of illegal repair shops, which is punishable by one to five years of imprisonment;

- *the illegal use of firearms*: there is a differentiation between the illegal use of lethal and non-lethal firearms; the penalties are one to three years of imprisonment for lethal firearms and six months to two years for non-lethal firearms; and
- *the forgery and modification of firearms*, as well as erasing markings on firearms (with penalties of between one and three years).

**2015:** Law 319/2015 to amend Law 295/2004 introduces tighter rules for holders of lethal and non-lethal weapons, making them subject to authorisation dependent on psychological and medical examinations. Specifically, holders are obliged to be subjected to such examinations at the express request of the competent police structures or at the express recommendation of the doctor and/or psychologist of the competent authority if there are behavioural indications that such examinations are needed.

**2017:** Law 22/2017 introduced minor changes to Law 295/2014 prohibiting the testing and evaluation by natural or legal persons of weapons systems and devices.

### 1.1.1 Main elements of the Romanian legislative framework on civilian firearms possession

Gun control in Romania can be categorised as restrictive: lethal handguns can only be acquired by police officers, members of the military, magistrates, diplomats and members of Parliament for the purposes of self-defence and protection. Military weapons may be owned and used only by specialised structures within the defence, public order and national security services. Besides these categories, civilians can also own rifles and smooth bore shotguns if they are registered hunters, but only in terms of the conditions laid down by the law, while sports shooting weapons can be purchased by athletes and coaches, as well as by hunters. Lethal collectible weapons can only be purchased by weapons collectors. Non-lethal weapons can be acquired and owned for self-defence purposes according to the conditions laid down by the law.

A permit must be obtained to own all categories of lethal and non-lethal weapons, which requires prior notification of the police, medical and psychological tests, a clean criminal record and the installation of proper safekeeping facilities at home. A gun licence is valid for five years from the date of issue or from the date of the last extension. In order to extend the validity of the weapons permit, the holder is required to apply before the five-year term is up to the competent police structure

within whose territorial jurisdiction he/she is domiciled or residing and to present the weapons covered by the permit and the required documents. The validity of the licence can be extended by the competent authority for a period of five years if the holder meets the conditions stipulated by law and the weapons in question have been submitted to periodical technical inspections.

The legal requirements governing gun sales, transfers, storage, marking and tracing in Romania<sup>5</sup> are the same for lethal and non-lethal weapons:

- The private sale and transfer of firearms are prohibited unless carried out by licenced entities and registered with the police. Dealing in firearms without a valid gun dealer's licence is unlawful. The owner of a gun shop is required to report a lost or stolen weapon to the police within 24 hours.
- Firearm regulations include written specifications for the lawful safe storage of private firearms and ammunition by licensed gun owners, the lawful safe storage of firearms and ammunition by state entities, and the lawful safe storage of firearms and ammunition while in transit.
- A unique identifying mark on each firearm is required by law. State authorities carry out recognised arms-tracing and -tracking procedures.
- Gun owners have the right to carry firearms in public places under certain conditions:
  - Lethal handguns should not be loaded and should be kept in a holster at all times, hidden from sight. The law exempts authorised individuals from this requirement. Other restrictions refer to handing over the weapon for safekeeping when entering a public institution and not being under the influence of alcohol or drugs.
  - Legal owners are allowed to carry only one non-lethal handgun, but not in crowded places such as stadiums, concert halls and public gatherings. The same rules covering alcohol and drugs also apply to the carrying of non-lethal handguns.

### Owning lethal weapons

According to Law 295/2004, weapons for self-defence and personal security can only be purchased by the following categories of persons:

- dignitaries, magistrates, diplomats, military personnel and police officers, who may carry such weapons during working hours and after work, including if they have retired, unless they no longer qualify to own such weapons;
- persons who carry out a function involving the exercise of public authority during the period of their mandate; and
- persons in witness protection programmes.



Hunting weapons can be purchased by hunters and can only be long-range weapons. Legally owned weapons may only be sold through gunsmiths or brokers authorised to sell such weapons. Authorisation for the procurement of lethal weapons is limited by a number of conditions aimed at limiting the misuse of these weapons (see Box 3).

### **Box 3: Basic conditions for possessing firearms in Romania**

People can own firearms in Romania if they fulfil the following requirements:

- A. They have reached the age of 18.
- B. They are part of one of the categories allowed by law to possess firearms and have made the relevant applications for official authorisation.
- C. They have not been convicted by a court and sentenced to life imprisonment or imprisonment for more than one year for intentional offences or for offences provided by the law.
- D. They are currently not currently under indictment in criminal cases for intentional acts.
- E. They are psychologically and physically fit to possess and use weapons and ammunition.
- F. They do not pose a threat to public order, national security, and the lives and physical safety of other people, according to the information available to the licensing bodies.
- G. They have completed a theoretical and practical training course, presented by a person legally authorised to provide such training, under the conditions laid down in the relevant law.
- H. Their right to purchase, hold or use lethal or non-lethal weapons subject to authorisation has not been cancelled in the previous two years, except in cases where the cancellation was ordered according to the provisions of Law 295/2004.
- I. No lethal weapons or non-lethal weapons subject to authorisation have been lost by or stolen from them in the last five years for reasons of negligence or failure to obey the law.

## Owning non-lethal weapons

The amendments to Law 295/2004<sup>6</sup> tried to tackle the issue of blank-firing pistols (as part of the non-lethal category of weapons) and the possible threat posed by unrestricted access to such guns by imposing stricter regulation of their ownership (the requirement of undergoing a medical and psychological test and the need to have a clean criminal record to obtain a permit to own them, as well as other conditions).

Romanian citizens and residents of EU Member States residing in Romania, as well as non-EU foreigners legally resident in Romania who are 18 years old, may acquire non-lethal weapons in categories C and D (see Box 4), as well as related ammunition from any dealer and, where applicable, an intermediary who sells such weapons under the terms of the authorisation (Category C) or prior notification (Category D).

### Box 4: Classification of non-lethal firearms<sup>7</sup>

#### Category C: Arms subject to authorisation:

1. short arms (pistols or revolvers) designed to expel rubber projectiles, and the corresponding ammunition;
2. short or long weapons that use the expansion force of compressed air or pressurised gases in a container to expel a projectile at a speed of more than 220 m/s;
3. short or long weapons that use the expansion force of compressed air or pressurised gases in a container to expel a metal projectile that does not develop a velocity of more than 220 m/s; and
4. short arms (pistols or revolvers) designed to produce noise or to disperse noxious, irritating or neutralising gases, as well as appropriate ammunition.

#### Category D: Arms subject to notification:

1. tranquilising guns;
2. signalling guns and appropriate ammunition;
3. starting guns used in sports competitions and appropriate ammunition;
4. deactivated weapons and appropriate ammunition;
5. theatre props and appropriate ammunition;
6. crossbows and the appropriate projectiles; and
7. antique weapons and appropriate ammunition.

Non-lethal weapons cannot be sold or lent by their owners, unless this is notified to the competent police body. Non-lethal weapons are subjected to restrictions regarding entry into public institutions and shipping or air transport.

Notification of the procurement of non-lethal Category D weapons shall be made in writing and shall be accompanied by an identity document (the original or a copy) certifying the applicant's age and, where appropriate, legal residence in Romania. After procuring any of the non-lethal weapons listed in Category D, the applicant is obliged to submit within five days to the competent body that issued the proof of notification an application for the issuance of a holder's certificate (Annex 15 of Government Directive 130/24.02.2005) and the non-lethal weapon registration in this document.

### **1.2 Romanian national policy to address the illicit firearms market and terrorist access to it**

No publicly available strategy or other type of policy document<sup>1</sup> deals with the illicit firearms market and terrorist access to it in Romania. These issues are, however, addressed separately in wider strategies, such as the National Strategy for Public Order and Safety and the National Defence Strategy 2015-2019.

The National Strategy for Public Order and Safety<sup>8</sup> describes the smuggling of goods across national borders as one of the main threats to public safety and therefore defines control actions particularly at ports infrastructure and land border-crossing points. Although there is no specific focus in this policy document on firearms trafficking or its potential links to terrorist activities, the main risks and vulnerabilities identified in the strategy – drug trafficking, human trafficking, illegal migration and the smuggling of goods across the border – are all activities associated with the use of firearms for protection purposes, as identified in the media analysis conducted for this study.

Among the objectives of this strategy, the general aim of preventing and combating organised crime, cross-border crime, and terrorism includes as one of its specific objectives the improvement of operational capacity to prevent, anticipate, and combat organised crime and terrorism, through:

<sup>1</sup> According to Government Decision 870/2006, in Romania three types of policy documents are issued by the country's public administration: public policy proposals, plans and strategies.

- the identification and destruction of criminal networks specialising in drug trafficking as well as terrorist activities;
- ensuring the security, efficient functioning and availability of the information systems of national structures dealing with these issues;
- extending the Europol Secure Information Exchange Network (SIENA) to all relevant national structures involved in the fight against organised crime;
- improving structured data/information collection tools and analysis instruments;
- improving the efficiency of crime prevention systems and early warning mechanisms for the purposes of anticipating threats, and preventing, detecting and prosecuting serious offences;
- reducing drug demand and supply, and strengthening research, evaluation and information; and
- expanding cooperation and other actions to prevent and combat the various forms of serious crime and terrorism.

The National Defence Strategy 2015-2019 is based on an extended approach to security, covering not only the military dimension of national security, but economic, social, political, technological and environmental aspects as well. Terrorism is acknowledged as a persistent threat, including from the perspective of identifying and dismantling recruitment and financing flows related to terrorism. Radicalisation, cross-border crime (including drug trafficking; trafficking in people, firearms and goods; and illegal migration) and the illegal trafficking of conventional weapons that may derive from the intentions of state and non-state actors to carry out operations targeting conflict areas/potential conflict areas are recognised as risks to national security.<sup>9</sup>

Data linking the illicit arms market and terrorist activities are very difficult to find. There is no publicly available document that links the policy priorities for combating these two issues. This is largely because the main counter-terrorism actor is the SRI, which means that most data in this field are classified. In Romania, Law 535/2004 classifies terrorism as a national security issue. As such, even though there is a national Strategy to Combat Terrorism, this document is not publicly available.

The lack of reliable statistical data from these documents as well as the lack of an evidence-based approach and of specific, measurable and achievable objectives with a set of indicators to measure impact significantly reduce the relevance and effectiveness of any discussion of the policy framework in this area.

### 1.3 Actors and cooperation in the fight against the illicit firearms market

Law 295/2004 designates the General Inspectorate of the Romanian Police as the competent authority exercising control over the possession, carrying, and use of weapons and ammunition, as well as on operations with arms and ammunition. The National Border Police can also be considered to be one of the main actors in the fight against the illicit firearms market. The Romanian Intelligence Service is the national authority that deals with the prevention and combating of terrorism.

#### 1.3.1 Inter-agency cooperation on firearms and terrorism in Romania

Data on firearms ownership are centralised in a national record of firearms owners and the firearms owned by such owners, to which multiple agencies have access (see Box 5). All legal owners of firearms are required to register in the National Firearms Registry, which is held by the IGPR's Weapons Explosives and Hazardous Substances Directorate, which administers the records of the legal owners of arms and ammunition, whether Romanian or foreign, natural or legal persons, on the territory of Romania. The centralised nature of the record-keeping system provides reliable data on firearms owners, and the lethal and non-lethal weapons owned in Romania.

To combat organised crime and firearms trafficking, Law 39/2003 established a central analysis and coordination group for the prevention of criminality. This group takes the necessary measures to draw up and update the National Action Plan for Preventing and Combating Organised Crime.

The National Strategy to Prevent and Counter Terrorism establishes the basis for the creation of the National System for Preventing and Countering Terrorism, which consists of a mechanism for cross-sectoral inter-institutional cooperation that includes all the authorities and public institutions with responsibilities in this field, namely the:

- Supreme Defence Council, which is responsible for strategic coordination;
- SRI, which is responsible for technical coordination;
- government ministries dealing with foreign affairs, defence, internal affairs, finance, justice, transport, health, agriculture, labour, the economy, the environment, European funds, youth, culture and regional development; and
- other national authorities: the External Intelligence Service, Security and Protection Service, Special Telecommunications Service, National Bank of

Romania, General Prosecutor's Office, National Office for Preventing and Countering Money Laundering, National Commission for the Control of Nuclear Activities, National Agency for Exports Control, and National Agency for the Control of Strategic Exports and Prohibiting Chemical Weapons.

**Box 5: Access to the National Firearms Registry<sup>10</sup>**

Records kept	Access (internally – IGPR)	Access (externally)
<ul style="list-style-type: none"> <li>• Lethal weapons</li> <li>• Non-lethal weapons</li> <li>• Legal owners of weapons and ammunition, and data on authorisation, possession, use and transfer documents</li> <li>• Existing gun shops and armouries on the Romanian territory and data on the documents for authorisation, possession, use and transfer</li> <li>• Shooting ranges</li> <li>• Lost and found weapons and ammunition</li> <li>• Weapons and ammunition generally pursued on Romanian territory and internationally</li> </ul>	<ul style="list-style-type: none"> <li>• Directorate of Criminal Investigations</li> <li>• General Directorate for Combating Organized Crime and Anti-drug</li> <li>• Forensic Institute</li> <li>• Directorate of Operative</li> <li>• Surveillance and Investigations</li> <li>• Transportation Police Directorate</li> <li>• Public Order Police Directorate</li> <li>• Communications and Information Centre</li> </ul>	<ul style="list-style-type: none"> <li>• The structure that manages the National Firearms Registry connects through the National Component of the Schengen Information System and through the SIRENE Bureau with similar structures in EU Member States for the mutual exchange of data and information on the circulation of arms and ammunition from Romania to the EU and vice versa.</li> <li>• Access of similar structures in EU Member States to the National Firearms Registry occurs through the above-mentioned cooperation structures, according to the access and security levels established by law.</li> </ul>

A 2004 decision of the Supreme Defence Council established the National System of Terrorist Alert to support the planning process for counter-terrorism activities at the national level and to inform citizens on the level of terrorist threat in the country.

### 1.3.2 European and international cooperation

Romania cooperates with all European and international partners according to national and international regulations. Romania is connected to the various European networks and databases (SIS, Prum, etc.), and also to the Interpol network.

In matters of fighting criminality, the International Police Cooperation Centre (CCPI), which forms part of the Romanian Police, is the only central structure specialising in the exchange of international data and information on combating cross-border crime. The CCPI controls four cooperation channels: the National Focal Point, Europol National Unit, Interpol National Office and SIRENE system. Through these channels the CCPI aids the international exchange of information of several national institutions – the Ministry of Internal Affairs, SRI, Public Ministry (General Prosecutor's Office), National Customs Authority, National Office for Preventing and Fighting Money Laundering – with international partners such as Europol, Interpol, SELEC and foreign liaison officers.

The legal framework for this cooperation consists of:

- Emergency Ordinance 103 of 13 December 2006, which defines measures to facilitate international police cooperation;
- Law 302/2004 on international judicial assistance in criminal matters, as amended;
- Interpol status;
- Europol Convention;
- the SECI agreement (SELEC); and
- Interior Ministry Order 200/2004 on the exchange of information through the National Focal Point.

Cases of cooperation in large-scale operations against drugs, human trafficking and cybercrime are numerous. They involve many EU Member States and non-EU countries (the United States, Brazil, etc.) and can be found in the annual reports of the relevant agencies.

In terms of cooperation on firearms, Romania has in recent years received tracing requests from Brazil, Colombia, France, Hungary, the Russian Federation, Serbia and the United States, and has sent tracing requests to France, Germany and Italy.<sup>11</sup> There is only one publicly known case of successful cooperation in a large-scale firearms-related operation: in 2017 Europol announced the results of Operation Bosphorus, an operation coordinated by the Romanian Police, with activities in ten

countries and with the full operational and analytical support of Europol. The operation seized 556 firearms, 131 of which had been converted. It was the first European operation that tried to deal with the issue of blank-firing pistols and the threat posed by differences in national legislation on owning such pistols (for additional information, see section 2.2). As an observation, the effect of this type of operations is limited in terms of countering this phenomenon, since the differences in legislation between participating states do not allow prosecutions to take place in all cases, e.g. differences in procedures for conducting operations and differences in definitions of the relevant offences.

In terms of cooperation on terrorism, from the publicly available information we have been able to identify one case of cooperation that has occurred: the 2011 annual report of the DIICOT refers to the indictment of an Iraqi citizen, Al Dulaimi Ali Asae Mohamad, in terms of Article 33 of Law 535/2004, which deals with preventing and countering terrorism. The defendant had established four commercial entities for the purpose of aiding entry to and exit from the country and prolonging the right to stay in Romania of five Iraqi citizens (Omar Farid Ahmed, Falah M. Salem, Aqeel Mohammed Dhuyab, Omar Assey and Muntasier Aassi) while knowing that they had aided or committed terrorist attacks on behalf of Al-Qaeda in Iraq. DIICOT prosecutors cooperated with authorities from Iraq, Bulgaria, Hungary and Sweden in this case.

However, there are challenges to cooperation both on the national and international levels and measures that can be taken to improve it. One of these challenges is related to data collection and analysis and the absence of a centralised focal point through which to collect and exchange information.

As the DIICOT 2015 annual report stated,<sup>12</sup> there is a need for an integrated approach to preventing and combating organised crime in Romania that should have three pillars:

1. A mechanism should be established to carry out a national risk and threat analysis of organised crime. This could include analysis of the potential relations between organised crime and terrorism, including the access of terrorists to firearms and other types of weapons. This analysis would feed on information received from various departments and agencies (DIICOT, IGPR, IGPF, SRI, etc.), which means that a unified system for data collection and reporting should be established and a legal framework to support this should be created. The priorities and resources of the competent authorities in this field should be allocated based on this analysis.



2. A national strategy should be drafted to combat organised crime based on the risks and threats identified by the above-mentioned analysis.
3. A multi-annual and inter-institutional action plan should be drafted and implemented.

## 2. Characteristics of Romania's illicit firearms market

This section provides an analysis of the main characteristics of the supply and demand affecting the illicit firearms market in Romania. The analysis is mainly based on data and case studies collected from three types of sources: annual activity reports of relevant key institutions for the period 2010-2016, online media articles on gun-enabled crime (2010-2016) and reports of international organisations (such as the United Nations Office on Drugs and Crime (UNODC), Europol, etc.). Unfortunately, publicly available data do not allow a precise determination of these characteristics and a comprehensive picture of this phenomenon. Annual activity reports and reports of international organisations sometimes contain slightly different data, while media reports obviously cannot provide a comprehensive picture, because they are focused on firearms seizures and/or shootings; do not cover all the existing cases; and do not always include all the relevant details (e.g. if the firearms used in shootings were illegally held or not). The analysis of court files also offers an incomplete picture, because only cases that have gone to court are covered.

### 2.1 Estimating the size of Romania's illicit firearms market

All legal owners of firearms (lethal or non-lethal) are required to register with the National Firearms Registry, which is held by IGPR's Department for Firearms Explosives and Dangerous Substances. The centralised nature of the Romanian record-keeping system provides reliable data on firearms owners and the lethal and non-lethal weapons that they own. Although these records are secret (in accordance with the provisions of Law 295/2004), general statistical data are publicly available in annual police activity reports (see Table 1). Unfortunately, these data are only available for 2010, 2011 and 2013, and are not included in the reports for 2012, 2014, 2015 and 2016, which indicates inconsistencies in the way in which data are reported from year to year.

**Table 1: Number of legal owners and legally owned lethal and non-lethal firearms, 2010-2016<sup>13</sup>**

IGPR annual reports	2010	2011	2012	2013	2014	2015	2016
Legal owners/ lethal guns	77,182 owners with 107,266 firearms	86,062 owners with 114,528 firearms	N/A <sup>I</sup>	+12,055 authorisations for the procurement of lethal guns	N/A	N/A	N/A
Legal owners/ non-lethal guns	71,996 owners with 85,368 non-lethal guns	71,517 owners with 94,455 non-lethal guns	N/A	+4,617 authorisations for the procurement of non-lethal guns	N/A	N/A	N/A

Despite the lack of data for recent years, we can conclude that the number of legal owners of both lethal and non-lethal firearms in Romania is quite low relative to the size of the population (approximately 20 million) and compared to other EU member states. According to data from international reports, such as the *UNODC Study on Firearms 2015*, Romania has an average of 0.4 annual rate of firearms seized in Romania by the police per 100,000 residents. These low figures are due mainly to strict gun ownership laws and a weak gun-ownership culture. Consequently, the legal market for lethal handgun imports is rather small. Only certain categories of citizens are allowed to apply for permits to carry guns for self-defence and personal security purposes (members of the judiciary, police, Parliament and the military).

Generally, estimating the size of the illicit gun market is generally a more difficult endeavour than estimating figures for legal gun ownership due to the hidden character of the phenomenon, but also because of the lack of reliable and detailed quantitative data for this phenomenon. This is also the case in Romania. The analysis of reports that provide data on illegal firearms available at the national level and discussions with law enforcement experts in Romania indicate that there could be an important hidden variable in the structure of indicators that reflect the illegal market.

Firstly, these data only refer to operations conducted by the relevant authorities and, as such, to firearms that have been seized. There is no publicly available record or estimate of inferred firearms. Secondly, the data on seized firearms also include legally owned firearms that have been seized for various reasons, including, for

<sup>I</sup> No available data in the annual report for the year in question.

example, non-compliant storage.<sup>1</sup> Therefore the data on seized firearms do not reflect only illicitly held firearms. In addition, when analysing the data from the annual activity reports of the IGPR, the IGPF and airport units of the SRI on firearms seizures, shootings, and the illegal use or possession of firearms, there appears to be no accepted inter-agency method of collecting, categorising and analysing data. This is not only the case among the various institutions, but also within the same institution from one yearly activity report to the next. It is also not clear if the data included in the SRI annual reports also include cases of illegal firearms possession at airports as recorded in the official IGPF reports. Furthermore, there are differences between the data on seized firearms in the national reports and data included in the reports of international organisations such as UNODC, the Organisation for Security and Cooperation in Europe, or Europol).

Notwithstanding these problems, we will give a brief overview of these figures to give at least a partial picture of the problem and its size. Table 2 includes the available figures on gun crime, the illegal use of firearms, and seized firearms as recorded by the IGPR between 2010 and 2016. These figures indicate that gun homicides and armed robberies in which a firearm was used are limited in Romania. The figures also show significant differences in the number of firearms seized in the country. It is currently unclear if the higher number of firearms seized in 2013, 2014 and 2016 represent a trend of increasing illegal firearms possession, or reflect an increased awareness of the problem and related heightened police attention, or are merely a coincidence. Interestingly, where data are available (2011 and 2013), these figures suggest that a significant share of seized firearms are of the non-lethal kind.

For firearms seizures given in Table 2, it is not always stated how many of them were illegally owned firearms or legally owned firearms that were illegally used/stored and consequently seized (in 2011 only 343 seized firearms were illegally owned out of a total of 2,569). This also adds to the observation that data are not consistently reported, as Table 2 shows.

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<sup>1</sup> According to Romanian legislation, the police can carry out checks at the homes of legal owners without prior notice.

**Table 2: Firearms-related crimes and seized firearms according to IGPR data, 2010-2016**

IGPR annual reports <sup>14</sup>	2010	2011	2012	2013	2014	2015	2016
Serious crimes committed with guns	4 murders and 29 robberies	9 murders and 26 robberies	8 murders and 10 robberies	8 murders and 18 robberies	N/A	N/A	N/A
Illegal use of lethal/non-lethal firearms	-36.2% from previous year	210 cases of illegal use 48 incidents involving illegal firearms	221 cases of illegal use 48 incidents involving illegal firearms	204 cases of illegal use	-44.6% cases of illegal use from previous year	605 cases of contravening arms and ammunition regulations	N/A
Seized firearms	N/A	2,569 firearms seized, 1,082 of which were lethal 343 seized for illegal possession and 199 for illegal use	2,293 firearms 70,235 cartridges	6,149 firearms seized, of which 3,098 lethal firearms were illegally owned 244,521 cartridges	N/A	6,204 firearms 3,844,638 cartridges	9,721 firearms 14,801,130 cartridges

Some figures on illicit firearms trafficking are also available. The IGPF annually records tens of cases of illicit firearms trafficking (see Table 3). Again, however, these figures vary considerably from year to year. In 2015, for example, 45 firearms and 2,899 cartridges were seized at the border, compared to 268 (mostly non-lethal) firearms and 111,483 cartridges in 2013.

In its annual reports, the SRI, which is responsible for security at airports, reported the following figures for firearms and cartridges seized in airport control operations:<sup>I</sup>

- 2011: 127 firearms and 1,670 cartridges;
- 2012: 17 firearms and 2,532 cartridges; and
- 2013: four firearms and 60 cartridges.

**Table 3: Firearms-trafficking cases and seized firearms and ammunition according to IGPF data, 2010-2015**

IGPF reports	2010	2011	2012	2013	2014	2015
Firearms-trafficking cases	50	53	39	N/A	157	
Firearms		56	160	268 (majority non-lethal)	62 firearms (15 hunting rifles, 15 gas pistols, 2 CO <sub>2</sub> pistols, 2 military pistols and 28 other firearms)	45 firearms (5 hunting rifles, 1 sporting rifle, 7 gas pistols, 8 CO <sub>2</sub> pistols and 24 other firearms)
Ammunition		18,016, mainly hunting cartridges	89,507	111,483	174,401	2,899

Given the lack of reliability and comparability of the official data on seized firearms and related crimes, we developed our own database of seized (lethal and non-lethal) firearms and incidents involving the illegal use of firearms based on an analysis of online media reports.<sup>II</sup> These figures confirm the significant share of seized

I Even though we did not manage to find out if these numbers are included in IGPF reports (the IGPF is supposed to receive the firearms that the SRI seizes at airports), the numbers for 2011, for example, seem to suggest that this is not happening (127 seized firearms reported by the SRI and only 109 by the IGPF).

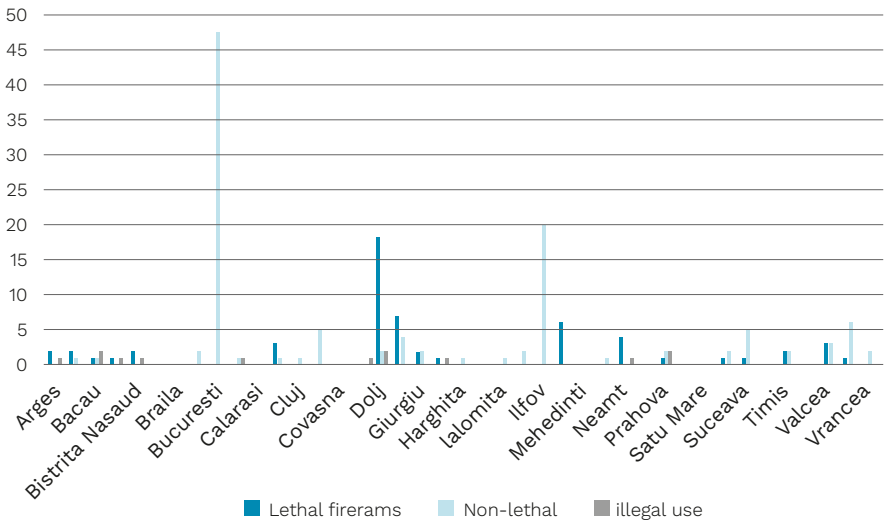
II The online media research was performed in the period February-April 2017.

non-lethal firearms (blank-firing pistols or air rifles) in the country (see Table 4).<sup>1</sup> This media-based analysis further suggests that the majority of seized firearms were registered in the capital (Bucharest).

**Table 4: Seized lethal and non-lethal firearms, and cases of illegal use according to media analysis, 2010-2016**

	Seized lethal firearms	Seized non-lethal firearms	Illegal use
2010	76	91	27
2011	139	111	23
2012	139	2,572	27
2013	58	293	6
2014	45	74	14
2015	49	68	7
2016	58	114	12

**Figure 1: Geographical distribution of seizures at county level, according to media articles, 2016**



<sup>1</sup> In 2012 the number of seized non-lethal firearms was exceptionally high due to a large seizure of compressed air rifles by the IGPF at the border with Republic of Moldova).

Despite the differences, the available data indicate a rather low number of seizures and gun-related crimes. This suggests that illegal firearms possession and gun crimes are not significant security issues in Romania. The experts we interviewed for this study also made the same observation. These issues are therefore not treated as a priority by the Romanian authorities.

## 2.2 Types of available firearms and prices

It is difficult to identify the availability of the various types of firearms (and their prices) on the illicit gun market in Romania, since there are no public records of centralised data on such firearms, while this information is not mentioned in annual police reports and only seldom referred to in media reports. Our interviews with experts from the IGPR indicate that, because gun-related crime is generally low in Romania, the illicit gun market and gun crime are not considered to be a significant security risk and therefore little attention is given to the systematic collection of data to support risk analysis.

Despite these limitations, the available official quantitative data (see above) and the analysed cases reported in the media suggest that the most frequent type of firearms found in searches and seized are easily convertible, non-lethal blank-firing firearms. Especially blank-firing guns manufactured in Turkey are being trafficked into Romania from Bulgaria. These non-lethal firearms can easily be modified for enabling them to expel projectiles, for example by removing the barrel obturator.<sup>15</sup>

The prices in Romania of blank-firing pistols manufactured in Turkey vary from €200 (new) to €50-70 (used). These firearms are bought legally in Bulgaria, where they are significantly cheaper than on the Romanian market: such a firearm can be bought for approximately 136 leva (equivalent to €70) for a new one.<sup>16</sup> The acquisition of these firearms is relatively easy in Bulgaria mainly due to the legislation in the country, which allows the buying of non-lethal firearms directly from a shop without any obligation other than registering the personal data of the buyer in the shop's register and submitting the request for a permit to the Bulgarian authorities and declaring the firearms to the Bulgarian police within seven days from the date of acquisition. The other brands of blank-firing pistols of German, Austrian or Italian manufacture that are found in shops have higher prices (approximately €400).

In 2016, with operational and analytical support from Europol, a series of international police actions known as Operation Bosphorus were undertaken in ten EU Member States and coordinated by Romania. This operation was developed under

the EMPACT Firearms Operational Action Plan 2015 targeting gas and alarm pistols of Turkish manufacture that were being trafficked into the EU via Bulgaria. It led to the arrest across the EU of 245 persons and the seizure of 556 gas and alarm pistols (of which 131 were converted), 108 other firearms, 33,748 rounds of ammunition and numerous tools for the conversion of blank-firing to lethal-purpose firearms.<sup>17</sup> This operation clearly illustrated that the non-lethal firearms available on the illicit gun market in Romania mainly come from Turkey through Bulgaria.

Blank-firing pistols became attractive for criminals in Romania because of their capacity to be easily converted (and also converted back to blank firers if needed), because they are cheap and have an intimidating effect – they look like real lethal handguns (in some cases resembling famous models such as Beretta or Colt).<sup>18</sup> Because of the restrictive law regarding lethal handguns and also high penalties in Romania, Turkish blank-firing pistols that imitate lethal handguns came to be a very good option for organised crime groups (OCGs) in Romania.

These guns are mainly used by criminals to threaten victims or rival gang members.<sup>19</sup> Shooting incidents with converted firearms suggest that these weapons can be found in various criminal contexts such as the illicit drug trade, extortion or gangs. In 2013, for example, the DIICOT indicted 54 members of two rival OCGs (Sportivii and Camatarii) after street fights between them involving the use of converted handguns, which severely injured one gang member.<sup>20</sup> Besides using them for protection purposes within Romania, OCGs involved in the trafficking of all kind of illicit goods are using firearms to protect their shipments, as shown by the case studies identified in media articles, as well as in IGPf and DIICOT annual reports. According to the Romanian authorities, there are no documented cases of groups committing crimes only involving firearms. Instead, firearms illegally possessed through trafficking were mainly used in spontaneous incidents of violence or in connection with other crimes.<sup>21</sup>

The estimation of prices is very relative. The rule is that illegal firearms are more expensive than legally acquired ones. In OCG transactions firearms can be exchanged for other, more expensive goods (drugs, grenade launchers, etc). The examples in Box 6 suggest that prices can vary not only by type of weapon (non-lethal or lethal), but also according to the region where the sale takes place or even the relationship between buyer and seller.



### Box 6: Case studies on prices of illegally sold firearms

1. On 20 November 2015 the police caught someone selling an illegal revolver with 50 cartridges for €3,500.<sup>22</sup>
2. In case 88/D/P/2009 a criminal group was indicted for firearms smuggling across the border with Serbia. The group delivered firearms from Serbia to several Romanian clients at prices of around €250 for a .22 LR rimfire rifle, €200 for a 9 mm or 7.65 mm pistol, and €350 for a 7.62 mm carbine, all of them made by Zastava in Serbia. A suspect from the same group went to Austria in 2008 to buy a 9 mm PA calibre blank-firing Reck pistol.<sup>23</sup>
3. In the Ciorogarla case (see section 2.3.3) the price for one AK-type automatic rifle sold by the OCG involved was reportedly €2,500.

Buyers of firearms (mainly blank-firing pistols) are usually members of OCGs going for the easiest way to acquire a gun that looks like a real one and that can be made lethal after conversion. As indicated in other reports, OCGs can be both Romanian and foreign.<sup>24</sup> OCGs usually use firearms for various purposes:

1. *Firearms used to protect drug or cigarette shipments.* These are usually the firearms seized when a shipment is intercepted.
2. *Firearms trafficked for money.* This is a rare occurrence in Romania, since prices are low for blank-firing pistols and there is no real and sustained demand for lethal firearms.
3. *Firearms used in heists* (e.g. the “Criminal Academy”, an organized criminal group, who used guns to threaten victims during heists) *or in attacks* (e.g. the Vitalie Proca case in November 2012, or the Piatra Neamt case of 14 November 2010, when two gang members were shot in a coffee shop with a .45 calibre handgun; the gun was brought into the country from Turin, Italy in 2007).

As we identified in the case studies from the media analysis and court cases, non-OCG buyers can be ordinary people (i.e. not criminals) who just want to pay less than the prices found in Romania, or individuals who, without being aware of the law, buy a pistol from a trafficker and then subsequently realise that they have committed a crime.

No reported cases were found of terrorists acquiring firearms in Romania. Most of the cases related to terrorist activities found in SRI reports and in the database of cases of the Superior Council of Magistracy involve individuals who have been

expelled from the country and declared inadmissible for up to 15 years for reasons of national security – no other details regarding these cases are made public.

## 2.3 Sources and supply mechanisms of the illicit gun market in Romania

In Romania, firearms end up on the illicit gun market through three mechanisms: (1) illicit production; (2) illicit trafficking; and (3) diversion from the legal domestic market. In this section we will give an overview of the most important aspects of these mechanisms. Relevant and reliable academic or policy-oriented literature on this topic is, however, quite limited, which is why most of the analysis is based on data provided by public reports of relevant institutions, data presented in international reports, study cases reported in the media, and court decisions.

### 2.3.1 Illicit production of firearms

The illicit production of firearms and ammunition<sup>1</sup> is rather rare and connected to artisanal production whereby individuals set up private workshops that produce weapons for profit. Within the researched time period – 2010-2016 – two cases of handmade production in private workshops were recorded (see Box 7).

Another risk that we identified from discussions with experts is that of the illegal production of 3D-printed firearms. Although some reports have downplayed the risks posed by 3D printing,<sup>25</sup> particularly due to the low strength of materials that 3D printers are able to generate (e.g. plastic barrels) and there have been no registered cases so far in Romania, we believe that the 3D printing of firearms will pose a high risk in the future. Especially for terrorists, these weapons can be very attractive, since they are usually needed only for the attack itself and not to be sold and/or used in the longer term. Existing 3D-printed firearms have proved to be able to fire up to 14 cartridges, which is enough for an attacker wishing to commit a terrorist attack.<sup>26</sup> These guns are difficult to control and almost impossible to trace or detect, because the only component made from metal is the firing pin.

<sup>1</sup> Law 295/2004 defines illicit manufacturing as the production or assembly of firearms, parts or ammunition:

(A) by using any essential components obtained from illicit trafficking;

(B) without an authorisation issued by a competent authority of the member state in which manufacture or assembly takes place;

(C) without marking the firearms assembled at the date of their production, in accordance with the provisions of the present law, which carries the penalty of imprisonment for two to eight years.

### Box 7: Case studies on illegal workshops

During a police search in the western part of Romania, near Lugoj (Tipari, Timis county), 12 hunting rifles were found. The suspects made and sold handmade guns at prices of €100-150. These were used mainly for poaching. There is no information on how many firearms had previously been sold.<sup>27</sup>

On 2 December 2016 a 28-year old man became involved in a fight with some neighbours in the village of his fiancé's grandmother. He used handmade guns to kill two people and injure another two, after which he committed

suicide with one of the guns. A police search revealed a workshop in the basement of the man's house in Palilula (Dolj county). In total, 15 firearms and over 1,000 cartridges were found, many of them converted or handmade. He did not have a criminal record.<sup>28</sup>

### 2.3.2 Illicit firearms trafficking

Given Romania's geographical position, firearms trafficking from neighbouring countries to the South and East represents a risk. In Romania, the main source of illicit trafficking in firearms is Bulgaria. As mentioned in the previous section, Turkish-manufactured blank-firing guns that are legally bought in Bulgaria and then imported into Romania are the most readily available weapons on the Romanian illicit gun market. The main documented trafficking routes from Bulgaria pass through several different border crossings (Varna-Vama Veche, Ruse-Giurgiu, Silistra, Calafat, and Corabia).<sup>29</sup>

Based on our analysis of Romanian court decisions, we can conclude that in some cases the smugglers on trial were committing their first offence. These smugglers usually stated that they did not know that Romanian law obliged them to notify the police before purchasing a firearm of any kind nor that they had to declare a blank-firing pistol that had been legally bought in Bulgaria at the border. In cases of repeat offences, blank-firing pistols were brought into Romania for other people for the purpose of making a profit and the consignee did not know that the pistol had been brought across the border illegally. In these cases the guns were not always smuggled for a criminal customer, while in other cases OCGs were involved. In 2011, for example, the DIICOT dismantled an OCG from Craiova (a city in south-central Romania) whose main criminal activities involved the defrauding of electronic payment systems in European countries, but who also used Bulgarian citizens to

traffick lethal firearms and ammunition from Bulgaria. The trafficked firearms were sold to other OCG members from Craiova and later used in fights between gangs.<sup>30</sup> But in general, OCGs are not that interested in firearms trafficking into or from Romania because of the low price of blank-firing pistols or lethal firearms and thus the limited profit that can be generated from such trafficking.

Firearms are mainly smuggled into Romania in buses and private vehicles.<sup>31</sup> The study of media articles and Operation Bosphorus showed that in Romania the trafficking of firearms from Bulgaria mostly involves individual weapons. Many cases showed that individuals cross the border into Bulgaria, buy a blank-firing pistol legally and then hide the gun in their car when they cross the border. The number of firearms that are transported is always very small and criminals prefer to make frequent crossings of the border, because the probability of being caught with a gun or two is much lower than with a large shipment. Seizures of large quantities of firearms are rare.

As shown, sellers can be either individuals who think they can earn quick money by transferring cheaper pistols from other countries (Bulgaria), members of OCGs selling to other members, or even amateurs with technical skills who are involved in illicit production (private workshops) and conversion for profit.

Firearms trafficking to Romania also occurs from Western and Southern European countries such as France, Germany, Italy and Spain. The *modus operandi* for smuggling is the same as for weapons coming from Bulgaria, but the border crossings used are different (Bors, Nadlag and Cenad). The interviewed experts confirmed that the route from Bulgaria is mainly used for trafficking blank-firing firearms, while the routes from France, Germany, Italy and Spain are used for the trafficking of long-barrelled rifles.<sup>32</sup>

From the analysis of the serious cases presented in DIICOT annual reports,<sup>33</sup> most dismantled OCGs were involved in human trafficking, cybercrime or drug trafficking (mainly cocaine and heroin via the Iran-Turkey-Bulgaria route). On some of the trafficking routes used, for example, for cigarette smuggling along the northern Moldova-Romania or Ukraine-Romania routes, firearms are being seized, but this is rather rare.

The data reported by Romania to UNODC for 2010-2013 indicate that the majority of firearms (over 80%) that enter the country illegally are destined for the local market.<sup>34</sup> It should be mentioned that there are other easier routes than from Bulgaria via Romania for the illegal trafficking of guns to Western European countries. Operation Bosphorus, for example, showed that a large number of the

blank-firing guns found during the operation had been trafficked from Bulgaria to Western Europe along a variety of routes.

Several of Romania's neighbouring countries (such as Moldova, Ukraine and Serbia) have experienced frozen or armed conflicts that left them with large stockpiles of firearms, many of which are lost due to thefts, neglect or corruption and then enter the illicit market. Transnistria, for example, has large Russian Army stockpiles that have represented a source of illegal firearms since the end of the war in the early 1990s. In May 2014 an investigation by the Organised Crime and Corruption Reporting Project conducted in the Republic of Moldova demonstrated how easily a leading member of a transnational OCG involved in criminal activities in Moldova, Romania and Italy could provide 30 AK-type automatic rifles and five grenade launchers in one week at a location near Odessa for €29,000. The price for other handguns like the Baikal TT was about €800 per piece, while a grenade launcher was on sale for €1,000.<sup>35</sup> Currently, however, the smuggling of firearms from countries such as Moldova, Ukraine or Serbia to Romania is quite exceptional.

Our analysis has not found an actual case of firearms being smuggled from Ukraine, where an active war is in progress, in the period 2010-2016. Besides OCGs' need for a limited number of firearms, Romania does not represent a real market for military-grade firearms, which makes it more likely for firearms coming from Ukraine, for example, to be trafficked to Western European countries instead of Romania. Given the extensive smuggling of cigarettes from Ukraine or Moldova to Romania, the trafficking of firearms or components from these countries can be considered a potential future risk, since weapons could be smuggled along the same routes.

### 2.3.3 Diversion of firearms from the legal market

Romania has a significant arms industry. In 2014 various types of Romanian-produced military equipment worth more than \$160 million were sold to 53 countries worldwide.<sup>36</sup> The main producer of weapons is Romarm, a state-owned company under the Ministry of the Economy, with 15 factories and production facilities specialising in the production of ammunition, weapons and other military equipment. The main factory that produces firearms and ammunition is the Cugir Firearms Factory. Approximately 95% of Cugir's production is exported to NATO countries and countries outside NATO that use Soviet-type ammunition.<sup>37</sup>

There are several ways for legally owned firearms to be diverted to the illicit market in Romania. The first is through theft from legal firearms producers and holders. Lethal weapons owners are required to immediately notify the nearest police

station of the disappearance, loss or theft of such weapons, or no longer than 24 hours later.

### Theft from military stockpiles

After the 1989 Revolution the modernisation of the Romanian Army led to a reduction of the armed forces from 180,000 in the mid-1990s to 71,745 active forces in 2011, which generated large surpluses of stockpiled weapons and ammunition.<sup>38</sup> Diversion to unauthorised end users was considered as one of the main risks that such stockpiles pose, yet only one case of stockpile theft is known (the 'Ciorogarla case'). In January 2009 six members of an OCG stole 62 firearms, including military-grade assault rifles,<sup>1</sup> from a military unit's stockpile. These stolen firearms were then distributed among the members of the gang for use in drug trafficking. The gang tried to make the weapons untraceable by removing their serial numbers. One of the suspects was caught trying to sell 27 of these firearms (pistols and automatic rifles) to a police informant. During subsequent investigations 35 firearms were found in December 2009 and another 15 in January 2011.<sup>39</sup>

### Conversion and reactivation

In recent years conversion has become an increasingly frequent way of diverting legal firearms into the illicit market in Romania. This applies both to firearms already in Romania and those brought to Romania from other countries (see above). Legal loopholes and differences between legal frameworks in various countries that can be exploited by criminals are particularly relevant in this case, both among EU Member States and between EU Member States and third countries (particularly Turkey, Moldova and Ukraine).

Before the promulgation of EU Regulation 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable, there were no common deactivation standards for firearms in EU Member States, and the differences in national legislation allowed firearms to be rather easily reactivated and sold in a different country. The case of the deactivated firearms bought in Slovakia and then smuggled into other EU countries with stricter deactivation standards to be reactivated is well known. Europol has indicated that some of the firearms shipments from Slovakia were destined for Romania.<sup>40</sup> Based on publicly available data, however, we have not identified cases of reactivated firearms in Romania. Also, our

<sup>1</sup> These 62 firearms were one machine gun, 20 AK-type 7.62 calibre automatic rifles, 32 1933 TT 7.62 calibre pistols, five 7.65 mm pistols, three CUGIR 9 mm pistols and one 26 mm flare pistol.

interviews with Romanian key actors suggest that there is no major concern over the reactivation of deactivated firearms in the country. There are also no known reported cases of the modification of semi-automatic firearms to automatic ones.

The conversion of blank-firing guns, on the other hand, is a frequently encountered problem in Romania. While the possession of lethal handguns is restricted, Romanian law allows civilians to buy blank-firing pistols without the need to notify the police prior to purchase or to comply with the regulations that require a medical certificate, a psychological test, a clean criminal record and proper storage facilities. This resulted in the number of legal owners of non-lethal firearms being almost identical to the number of owners of hunting rifles and lethal handguns.

In many EU Member States the conversion of blank-firing guns has become the major mechanism through which firearms have become available on the illicit gun market. This is the result of the ease with which one can acquire these licence-free weapons and with which some of these firearms can be converted to shoot live ammunition.<sup>41</sup> The conversion methods identified in Romania are the same as those found in other parts of Europe. The design of some models of blank-firing pistols makes conversion very easy, allowing them to fire pellets<sup>42</sup> or even live ammunition. The most frequently found firearms are the Turkish-made Ekol Voltran and Atak Zoraki, which are the most prone to conversion. Some conversions can also be reversed very easily,<sup>43</sup> making it very difficult to prove earlier conversion.

Cases of blank-firing converted pistols being used in crimes have been encountered in Romania since 2010<sup>44</sup> and have resulted in several casualties in different parts of the country and different criminal contexts. In 2010, for example, the wife and daughter of a businessman from the northern region of Romania were killed with a converted blank-firing pistol. The perpetrator, a Ukrainian citizen, entered the country with the gun specifically for this purpose.<sup>45</sup> In December 2012 in the western region of Romania a converted blank-firing pistol was found abandoned in a car that had two bullet holes in the driver's door. Further investigations showed that the incident was linked to an OCG's attempt to extort €142,000 from a local businessman.<sup>46</sup> Also in 2012, converted blank-firing pistols were used in a fight between two rival OCGs (Camatarii and Sportivii) in which one gang member was seriously injured.<sup>47</sup>

### Illegal sale of legally owned firearms

The illegal sale of legally owned firearms can be considered as unlikely in Romania. These types of cases were not found during our study. This is largely the result of the restrictive legal framework for firearms possession in Romania.

Romania has a very restrictive law on the legal ownership of handguns, and very few people are allowed to legally own handguns for the purposes of personal security and self-defence (see above). This is also the reason for the small number of legally owned handguns ending up on the illicit market due to theft or from being sold illegally.

The majority of the approximately 90,000 legal owners of lethal firearms in Romania are owners of hunting rifles. The legal possession of long hunting rifles is regulated similarly to in other European countries, i.e. civilians who are members of a hunting association can apply for permit to own rifled-barrel or smoothbore firearms, with the requirements of a prior medical examination, a psychological test, a clean criminal record and proper storage facilities. This is partly the reason why there are no known cases where legally owned long firearms were used in shootings or ended up on the illicit market.

In contrast to some other EU member states (including the neighbouring Bulgaria), legal owners of blank-firing pistol need to go through a complex legal procedure to own such a pistol in Romania (see above). The same restrictive rules apply to the ownership of air rifles that fire metal projectiles (4.5 mm, 6.35 mm, etc.) and CO<sub>2</sub> pistols. These regulations make Romanian firearms law one of the most restrictive in Europe.

Even though the dark web is an increasingly important new market for firearms, public reports of proactive investigations by the police conducted on this market were not found during research for this study. The National Police's capacity to conduct this type of investigation and analysis is very limited, both technically and because of lack of personnel, mainly due to the trans-territorial nature of this market.



### 3. Terrorist access to Romania's illicit firearms market

#### 3.1 Terrorist activities in Romania

Article 1 of Law 535/2004, which deals with the prevention and combating of terrorism, defines terrorism as a set of actions and/or threats that pose a public danger and affect national security. These actions can have the following characteristics:

- (a) They are committed intentionally by terrorist entities, motivated by extremist views and attitudes, and hostile to other entities against whom they act using violent and/or destructive means.
- (b) They are carried out with the aim of achieving specific political objectives.
- (c) They target people and/or infrastructure within public authorities and institutions, the civilian population or any other parts of a country's population.
- (d) They have a strong psychological effect on the population at large aimed at drawing attention to the aims being pursued.

The Global Terrorism Index 2016 of the Institute for Economics and Peace places Romania in 130th place (the last position in its system of ranking countries) in terms the number of terrorist attacks it has experienced.<sup>48</sup> The country has not experienced a terror attack in more than three decades, but in recent years several potential terror attacks have been foiled in Romania. Interestingly, these incidents involved terrorist networks of very different ideologies and with very different goals (see Box 8).

In addition, in recent years Romania has also been explicitly named as a potential terrorist target by prominent extremist Islamist leaders. In 2012 and in the aftermath of the Burgas bus bombing<sup>I</sup> in Bulgaria, Sheikh Omar Bakri, a Syrian extremist Islamist leader in Lebanon,<sup>II</sup> stated in an interview that Romania, like Bulgaria, is a target for terrorists. He explained that Islamist extremists consider both countries as Islamic realms and condemned them because of their military presence in Iraq or Afghanistan and because of their cooperation with Israel.

I The 2012 Burgas bus bombing was a terrorist attack carried out by a suicide bomber on a bus carrying a group of Israeli tourists at Burgas Airport.

II Bakri played a key role in the Hizb ut-Tahrir movement, a Sunni pan-Islamist organisation that advocates for the re-establishment of the caliphate. He also led the al-Muhajirun movement (which had links to al-Qaeda), which was involved in the 2005 London Underground bombings.

### Box 8: Foiled terrorist attacks in Romania<sup>49</sup>

After Romania's accession to NATO in 2004 the first case of Islamist radicalisation appeared in the country. Florian Lesch<sup>I</sup> decided to plan an attack because of Romania's pro-Western political orientation. The suspect came to the attention of the intelligence services after sending threatening messages in the name of the Islamist cause to several television stations in both Romania and abroad. On 27 June 2006 Lesch was arrested on a secondary road travelling towards Timisoara (a city in western Romania). In his car an improvised explosive device (IED) designed to be triggered remotely was found. This IED could have destroyed an entire building and could have caused numerous casualties. He was sentenced to 12 years in prison.

In 2012 the SRI arrested two Pakistani terrorists who belonged to the Sikh International Federation of Youth and Students and were part of the Khalistan Liberation Front. They were planning to organise terrorist attacks with home-made bombs across the country.

In December 2012 Khzr Karim Friad intentionally missed a flight out of Romania and, motivated by hatred of the UK's involvement in Iraq, planned to kill a UK embassy official in Bucharest with a 12-cm-long knife. In 2013 he was sentenced to four years' imprisonment.

In April 2013 a network of members of the Kurdistan Workers' Party (PKK) who had been active in Romania for a long period of time was dismantled through Operation Blue Wolf, which involved the Romanian, Hungarian and Austrian authorities.

In 2013 the DIICOT indicted four citizens for crimes related to terrorism and breaking the law on explosive materials. The defendants made explosive devices and set them off near Ghioroc, Timis county, and in December made two similar devices, which they sold to an undercover agent.

In 2015 ethnic Hungarian who were members of the separatist right-wing extremist group HVIM<sup>II</sup> were arrested for an attempted attack with an IED. The bomb was supposed to go off in a city square during National Day celebrations. They were sentenced to several months in prison.

I After he converted to Islam he chose the alias of Aynan Hassan Abger (a former soldier in the Seventh Brigade of the Bosnian Islamic Army).

II The Sixty-Four Counties Youth Movement (a far-right movement in Hungary).

SRI annual reports give the numbers of individuals who were identified as being involved in terrorist activities in the reporting year, arrested (Romanian citizens), or expelled and denied subsequent re-entry (foreign citizens), as well as individuals suspected of having ties with terrorist groups.<sup>I</sup> In May 2013, for example, an Iraqi and a Lebanese citizen were denied entry to the country due to their involvement in terrorism-linked illegal migration activities aimed at facilitating their fellow nationals' entry into Romania and Europe, as well as being involved in drugs and arms trafficking in support of the Syrian insurgency.<sup>50</sup>

Individuals who have engaged in terrorist activities in Romania most often belong to extremist Islamist networks, but people involved in ethno-nationalist or separatist terrorism are also active in the country (see Table 5). Europol Terrorism Situation and Trend Reports (TE-SATs) for 2010, 2011 and 2016, for example, indicate that a number of people were arrested<sup>II</sup> for membership of the PKK or actively supporting the organisation. In 2014 four Hungarian citizens were denied entry to Romania, one of whom was a leader of the extreme right-wing group New Hungarian Guard – Seckler Battalion.<sup>51</sup>

**Table 5: Arrests<sup>III</sup> in Romania by affiliation**

Year	Islamist/ religiously inspired	Separatist/ ethno- nationalist	Left wing	Right wing	Single issue	Not specified	Total
2010	14	2	-	-	-	-	16
2011	2	2	-	-	-	-	4
2012	15	1	-	-	-	-	16
2013	7	1	-	-	-	-	8
2014	-	-	-	-	-	-	-
2015	11	-	-	-	-	-	11
2016	1	-	-	-	-	-	1

Source: Europol TE-SAT reports, 2010-2017

I According to Article 86(5) of Emergency Ordinance 194/2002 governing the management of foreigners in Romania, when a foreign citizen is denied entry to the country for national security reasons, the court decision does not provide any information on its motivation.

II Actually, these are not all arrests, but can refer to court procedures to deny a foreign citizen re-entry into the country and expelling him/her for a number of years, for national security reasons.

III Arrests mentioned in the TE-SAT reports also include persons denied re-entry and expelled.

Even though no case of terrorism financing has gone to court, SRI reports indicate that there might be a connection between the illicit activities of foreign citizens and activities that support terrorism, such as financing, logistical aid, and facilitating the entry of individuals affiliated with terrorist organisations who use Romania for transit to other parts of Europe. As Europol's 2010 TE-SAT report states, even though "[EU] Member States on the Eastern borders of the EU have, so far, been less of a target for Islamist terrorists, a number of arrests in Romania indicate that some EU Member States may be used as transit countries to other parts of Europe. Also, the possibility cannot be ruled out that those countries serve as operational rear bases from which terrorist groups can develop their logistical and financial capabilities".<sup>52</sup>

In the same vein, the 2015 TE-SAT report indicates that Romanian territory is one of the transit land routes for illegal travellers to and from Syria and Iraq, via Turkey, as are its neighbours – Hungary, Serbia and Bulgaria. The 2016 TE-SAT report reiterates this point, showing that, even though Romania reported low terrorist threat levels, the issue of foreign terrorist fighters transiting its territory remained a concern.

### 3.2 Acquisition of firearms by terrorists

No data are available on the contemporary access to firearms of terrorists active in Romania, which is probably due to the lack of cases and to the classified nature of the information.

In recent years some media report have suggested that Romania has been the source country of firearms used by terrorist networks in other parts of Europe. After the Paris attacks in 2015 some Western newspapers cited an expert from South Eastern Europe who stated that the firearms used came from Romania. It was later demonstrated that there was no connection to Romania: the Czech-made guns were actually deactivated automatic rifles sold legally in Slovakia as acoustic weapons and later reactivated to fire live ammunition (see the chapters on Belgium and France).<sup>53</sup> Another false media report about a Romanian connection in recent arms trafficking was broadcast by SkyNews showing an on-site transaction in Romania to illustrate how easily military-grade guns sourced from Ukraine can end up in the hands of terrorists. After investigations by the Romanian authorities it was revealed that British journalists paid local hunters to act as firearms traffickers using their own hunting and collectors rifles. The Romanian hunters and the British journalists were investigated for spreading false information that affected national security.

Despite these false allegations, firearms from Romania have reached the hands of terrorists in other parts of the world. There were a number of historical cases of diversion prior to the 1989 Revolution. In that period Romania was the world's fifth-largest exporter of military products, with annual exports worth over one billion dollars. The main clients were Arab states and totalitarian regimes in Africa, Asia and Latin America. The delivery of Romanian weapons in that period fueled internal conflicts in countries such as Angola, Mozambique or other African states, and some of the weapons produced in Romania ended up in the hands of terrorist groups,<sup>54</sup> where they appear to remain.

Also, in more recent years, firearms manufactured and/or exported from Romania have ended up in the hands of criminals, insurgency groups and terrorists worldwide. After 1989, arms produced by the Cugir Firearms Factory (see section 2.3.3) have mainly been sold on the US civilian market. An adaptation of the AK type resulted in the creation of the WASR 10 semi-automatic model, which was sold solely to Century International Arms, the largest North American firearms dealer, which sells it on the civilian market in the United States at \$400 per weapon. Some of these weapons are modified and then resold in Mexico, where a WASR 10 rifle is worth \$2,000-3,000, due to import restrictions. According to a report by the US Public Integrity Center, the WASR 10 has become one of the favourite weapons of Mexican drug traffickers.<sup>55</sup>

According to investigators from the Balkan Investigative Reporting Network and the Organised Crime and Corruption Reporting Project,<sup>56</sup> in recent years AK-47s, mortar shells, rocket launchers, anti-tank weapons and heavy machine guns have been exported from Romania and a number of other Central and South Eastern European countries<sup>1</sup> and have ended up in Syria and Yemen after being initially exported to Saudi Arabia, Jordan, the United Arab Emirates and Turkey. These weapons are now being used in Syria by Western-backed Free Syrian Army units, but are also in the hands of fighters from Islamist groups such as Ansar al-Sham, the al-Qaeda-affiliated Jabhat al-Nusra, the so-called Islamic State, factions fighting for the Syrian government, and Sunni forces in Yemen. Given the durability of firearms and the risk of diversion, there is a high risk that the weapons sold today to a legitimate government in a conflict area might end up on the EU illegal market in the future and eventually fall into the hands of criminals and terrorists.

The 2014 IGPR annual report refers to Operation Flanko, a joint investigation involving Romanian police officers, DIICOT prosecutors and US authorities, with the

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<sup>1</sup> These countries include Bosnia, Bulgaria, Croatia, the Czech Republic, Montenegro, Slovakia and Serbia.

support of the SRI, that dismantled an organised group that was active in many European countries. The members of the group were suspected of supporting terrorist activities by supplying firearms and anti-aircraft weapons to the Revolutionary Armed Forces of Colombia (Colombia's main insurgent group). Two Romanian citizens and one Italian were detained in a third country. There are no further public records on the provenance of the weapons involved, even though it seems that they might have been obtained from a weapons supplier in Russia.<sup>57</sup>

## 4. Conclusions

In Romania, tight gun regulations have managed to ensure a safer climate in terms of gun-related crime and violence (one of the lowest rates in Europe). Both the number of legally owned firearms and the number of illicit firearms seized in law enforcement operations are significantly lower than in other EU member states. However, the growing phenomenon of blank-firing pistols at the European level has been an issue for many years and also has significant consequences for the illicit firearms market in Romania. The Europol 2017 Serious and Organised Crime Threat Assessment (SOCTA) states clearly that 'Firearms traffickers are highly adept at exploiting legal loopholes and differences in regulatory regimes between Member States to divert firearms from legal suppliers'. These loopholes in legislation create demand, and demand creates the basis for trafficking. The countries that do not regulate blank-firing pistols facilitate demand. As shown in the SOCTA report and proved by Operation Bosphorus, Romania has been affected by these differences in EU countries' national legislation dealing with the ownership of blank-firing pistols.

Unfortunately, the security issue of easily convertible blank firers has not received enough attention in past EU directives on firearms, partially because European countries do not have the same approach to assessing the threat of blank-firing pistols and the danger of conversion. The new EU directive effectively tackles the issue of acoustic guns (automatic or semi-automatic lethal guns legally converted to fire blank cartridges), stating that a firearm that has been converted to fire blanks must remain licensed under the same rules as its original lethal-purpose version.<sup>58</sup> Romania, as one the countries for which the main issue regarding the illicit firearms market is blank-firing handguns, already has strict regulations on blank-firing handgun ownership. An effective measure at the EU level that the Romanian authorities should support could prohibit the selling of blank-firing pistols by natural persons, shops or factories from a country with a free-access regime to a natural person from another country that has more restrictive laws. The success of

Operation Bosphorus, which dealt directly with the issue of blank-firing pistols, resulted from the willingness of the countries involved to cooperate and correctly assess the Europe-wide threat caused by these easily convertible pistols.

The EU Commission has stated that there is a need to improve existing statistical and analytical tools at the EU and national levels, including through setting up interconnected national focal points on firearms, developing expertise, and improving the analysis of and strategic reporting on illicit trafficking in firearms, notably through the combined use of both ballistic and criminal intelligence. To this end, information could be reported in standardised templates, and an analysis and forecasting unit could be established to provide early warning of specific threats. Recommendations have already been made at the EU level to all European countries to create national focal points on firearms. The EU Commission has also stressed the need for developing internationally harmonised data collection, and to regularly map out global firearms trafficking routes to the EU and make the information available to all member states' law enforcement authorities. For this to be put to good use, however, national units are needed that are able to supply reliable data and have the analytical capacity to integrate and use the information received. As has been shown throughout the present report, data collection and standardisation by the various Romanian authorities with competencies in this area can be improved. This is one of the main impediments to correctly assessing the size of the illicit firearms market in Romania and the risks emerging from it. The need for a fully operational Romanian focal point on firearms issues that collects data from the institutions and agencies involved emerged from both the research and the expert interviews.

To gain a clearer (and comparative) picture of the illicit firearms markets in EU member states that supports the development of evidence-based policies, it might be useful to develop a common methodology for data collection and centralisation, with a set of clear indicators related to these markets for use by law enforcement agencies from all member states. The methodology should include aspects such as steps in data collection, the nature of the institutional framework (which institutions should send data, how and of what type) and templates for data collection. This could also support the operational and statistical data sent to the Europol Focal Point or Interpol and could build the 'better intelligence picture'<sup>59</sup> referred to in the 2015 EU Action Plan against Illicit Firearms Trafficking.

Furthermore, even though the Romanian authorities do not regard firearms trafficking and gun-related crime in general as a serious threat, firearms should become an issue in the risk analysis made by each European country, no matter the number of shootings or other types of gun-related crimes in a particular country. As shown

in the present report, other issues affect Romania from the perspective of the illicit firearms market and terrorists' access to it, even though they are not frequent occurrences. Besides cases in which Romanians are involved in international firearms trafficking, OCGs' main activities on Romanian territory include human trafficking, modern slavery and drug trafficking, and they often use violent methods in these activities, for which they procure firearms – either for the purposes of threats or actual use. There are only rare cases of OCGs being involved in firearms trafficking, since this is not a very profitable business for them and the risks are quite high. As such, law enforcement agencies in Romania should pay more attention to the connections between OCGs and criminals involved in other types of activities, particularly in border areas and on smuggling routes.

As regards Romania's relations with non-EU neighbouring countries, both from a bilateral perspective and from the perspective of the EU's relations with its neighbours, we believe that the issue of the very low production standards of easily convertible firearms should be addressed in bilateral relation with countries that produce such weapons, but also in EU policy on the access of these types of easily convertible weapons, particularly blank-firing pistols, to the European market. Moreover, strong firearms regulation and effective stockpile management should be prioritised in relations with Eastern Partnership and pre-accession countries, and Romania should strongly support this at the EU level.



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# From the IRA to ISIS: Exploring terrorist access to the UK's illicit firearms market

**PAUL HOLTOM, PAUL JAMES AND CONNOR PATMORE**

In this chapter we focus on the illicit firearms market in the United Kingdom (UK) and the ways in which terrorists can access this market. Researchers have noted that a number of sources provide information on illegal firearms use in the UK (e.g. crime data and crime reduction evaluations, police reports, media reports), but limited research has been undertaken to understand the dynamics and key players in the UK illegal firearms market.<sup>1</sup> The research undertaken on terrorist acquisition of firearms in the UK has focused primarily on the methods used by the Irish Republican Army (IRA) and other terrorist organisations involved in the conflict in Northern Ireland, with a strong emphasis on the international dimension of such acquisitions.<sup>2</sup> Academic and policy-oriented research therefore lags behind policy interest in terms of terrorist access to the UK illicit firearms market. We address this lacuna in our knowledge of the issue by using a mixture of quantitative and qualitative investigative methods (see Box 1).

## **Box 1: Research design**

The difficulties of estimating the scale and characteristics of the illegal firearms in a country are well documented. We conducted a comprehensive review of UK government sources, media reports, and academic research, and interviewed ten key informant interviewees (KIIs) to determine the 'characteristics of the illegal firearms market in the UK', in line with recommended practice for estimating illicit firearms markets and trafficking in Europe.<sup>3</sup>

Firstly, the research team gathered official UK Home Office statistical data on the legal firearms market in the UK, which are disaggregated by region and

police force area. Secondly, the team collected and analysed UK statistical data on firearms offences, paying particular attention to regional disparities. The Office for National Statistics provides these data annually, using police-recorded crime data.<sup>4</sup> KIIs recommended the use of data on firearms discharges in a particular area as an indicator for illegal firearms availability. This information is not provided in official statistical datasets, but is occasionally provided to the public for areas that are affected by high levels of firearms usage (e.g. Birmingham, Greater Manchester, Liverpool and London). Thirdly, although the UK government does not routinely make official annual statistical data on firearms seizures publicly available, this information has been provided to the UK Parliament; however, it is not disaggregated by type of firearm or where weapons were seized. Fourthly, we also drew on the annual strategic assessment of the National Crime Agency (NCA), publicly available reports from the National Ballistics Intelligence Service (NABIS), materials made available by police forces and information contained in media reports. Fifthly, a dataset of cases of illegal firearms possession; the illegal production, conversion and reactivation of firearms; diversion; and illegal smuggling was constructed by collecting information on firearms offences using the law pages. com, and the websites of the NCA and NABIS.<sup>1</sup> Additional information on these cases was gathered from reports in national and local media and from KIIs.

Our research relied heavily on information gathered from interviews conducted with nine current and former high-ranking UK police officers with experience of investigating the country's illegal firearms market from an organised crime group (OCG) and urban street gang (USG) perspective and/or a counter-terrorism perspective. In addition, we also conducted an interview with a journalist with extensive experience of covering crime and security issues in the UK, in particular the issue of terrorist access to illegal firearms (see Table 1). KIIs provided a good understanding of developments in the UK illegal firearms market during the past decade and terrorist access to this market. Several KIIs generously gave their time to provide detailed accounts of operations and cases of illegal firearms acquisition, transfer and smuggling, which included information on available firearms, prices, sources of supply and the main players in the UK illicit firearms market.

<sup>1</sup> The dataset focused on cases in which an individual or group was convicted of the following offences: the possession of, or conspiracy to possess, prohibited firearms or ammunition with intent to endanger life or to enable another person to endanger life; possessing a prohibited firearm or imitation firearm with intent to commit an indictable offence, or resist arrest; illegally importing firearms and conspiracy to illegally import firearms or ammunition; the possession, purchase, acquisition, manufacture, selling or distribution/transfer of a 'prohibited' firearm; the conversion of or conspiracy to convert imitation firearms; the possession of firearms or ammunition without a firearm certificate; and conspiracy to possess, acquire, distribute, sell, or transfer firearms and/or ammunition.

**Table 1: UK key informant interviewees, March-May 2017**

Key informant interviewee (KII)	Position	Date
KII 1	Former high-ranking police officer, Greater Manchester Police	23/03/2017
KII 2	High-ranking police officer, Merseyside Police	24/03/2017
KII 3	Former high-ranking police officer, Avon and Somerset Police; former NABIS employee	28/03/2017
KII 4	Former high-ranking intelligence officer, West Midlands Police; former NABIS employee	28/03/2017
KII 5	Former NCA head	28/03/2017
KII 6	High-ranking police officer, North East Counter Terrorism Unit, West Yorkshire Police	24/04/2017
KII 7	Crime correspondent for national newspaper	02/05/2017
KII 8	High-ranking police officer, West Midlands Police	04/05/2017
KII 9	High-ranking police officer, Police Service of Northern Ireland	05/05/2017
KII 10	High-ranking police officer, head of UK Counter Terrorist Command, London Metropolitan Police Service	12/05/2017

In addition to open-source information and interviews with KIIs, the research team submitted targeted Freedom of Information (FOI) requests for information on firearms seizures, discharges, and lost or stolen registered firearms to 15 police forces in England and Scotland.<sup>1</sup> Four police forces provided all the requested information and three forces provided some of it (citing lack of information or high costs of retrieval as grounds for refusal for some information). In addition, FOI requests were submitted to the Home Office, the Ministry of Defence (MoD) and the NCA. The NCA refused to supply the requested information on firearms seizures and the Home Office indicated that it does not hold such data. However, the Home Office provided information on recorded lost or stolen registered firearms for England and Wales and the MoD provided information on armed forces losses in the UK.

<sup>1</sup> More specifically, the police forces with the highest levels of registered firearms and shotguns, and also those with the most recorded firearms offences for the years 2011-2016. FOI requests were sent to the following police forces: Avon and Somerset, Devon and Cornwall, Essex, Greater Manchester, Kent, Merseyside, Metropolitan, Norfolk, North Yorkshire, Scotland, Sussex, Thames Valley, West Mercia, West Midlands, and West Yorkshire.

Therefore, although these data did not give the research team the confidence to determine an estimate for the size of the UK illicit firearm market in terms of numbers of firearms or financial value, when complemented with information provided by KIIs and media reports they gave the team the confidence to reach tentative conclusions about the availability of various types of firearms in the country's illicit firearms market.

## **1. UK national policy to fight the illicit firearms market and terrorist access to it**

### **1.1 UK legislation dealing with the illegal possession, use and trafficking of firearms**

UK legislation is regarded as being particularly restrictive in terms of the legal possession of most types of firearms and gives a strong message that the illegal possession, use and trafficking of firearms are regarded as serious criminal offences.<sup>1</sup> According to a 2010 parliamentary report, 34 pieces of UK legislation dealt with firearms control.<sup>5</sup> The Firearms Act (1968) is the main piece of primary legislation concerned with the possession and use of illegal firearms, and the Customs and Excise Management Act (1979) is of most relevance for firearms trafficking. The relevant provisions related to the possession, use and trafficking of illegal firearms in both Acts have been amended numerous times, with recent relevant amendments following the adoption of the:

- Criminal Justice Act (2003);
- Violent Crime Reduction Act (2006); and
- Anti-Social Behaviour Crime and Policing Act (2014).

In addition, the Terrorism Act (2000; 2006) includes the offence of possessing a firearm 'in circumstances which give rise to reasonable suspicion that ... possession is for a purpose connected with the commission, preparation or instigation of an act of terrorism', with the 2006 Terrorism Act increasing the maximum prison sentence for such an offence from ten to 15 years.<sup>6</sup> The Terrorism Act (2000) also made it an offence for an individual to provide, receive, or invite another to receive

<sup>1</sup> Northern Ireland's Firearms Act is largely comparable to that of the rest of the UK, with the exception of permitting serving and former police or prison officers to legally possess firearms if they are in possession of a licence.

instruction or training in the use of firearms, with a maximum prison sentence of ten years.<sup>1</sup>

## Box 2: UK legal definitions of firearms and terrorism

### Firearms

Section 57 of the Firearms Act (1968) provides the definition of firearms used in this case study:

*A firearm is a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged. It includes:*

- *any lethal or prohibited weapon as defined by Section 5 of the Firearms Act (1968);*
- *any component part of such a lethal or prohibited weapon; and*
- *any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon.<sup>7</sup>*

### Terrorism

Section 1 of the Terrorism Act (2000) provides the definition of terrorism used in this case study:

*Section 1(1) ... the use or threat of action where –*

- (a) The action falls within subsection (2),*
- (b) The use or threat is designed to influence the government or an international government organisation to intimidate the public or a section of the public, and*
- (c) The use or threat is made for the purpose of advancing a political, religious, racial, or ideological cause.*

<sup>1</sup> Terrorism Act (2000, sec. 54). The Counter-Terrorism and Security Act (2015) introduced a 'weapons and explosives measure' in terms of which the secretary of state can prohibit an individual from making an application for a firearm or shotgun certificate and possessing offensive weapons, imitation firearms or explosives if the individual is suspected of involvement in terrorism-related activity, as defined by the Terrorism Prevention and Investigation Measures Act (2011). See Counter-Terrorism and Security Act (2015, sec. 18). Sections 2-4 of the Terrorism Prevention and Investigation Measures Act (2011) define 'involvement in terrorism related activity' as: 'commission, preparation or instigation of terrorist acts; conduct which facilitates the commission, preparation or instigation of terrorist acts; conduct which gives encouragement to the commission, preparation or instigation of terrorist acts; and conduct which gives support to individuals who are known or believed by the individual concerned to be involved in the above conduct.'



Section 1(2) Action falls within this subsection if it –

- (a) Involves serious violence against a person,
- (b) involves serious damage to property,
- (c) endangers a person's life, other than that of the person committing the action,
- (d) creates a serious risk to the health or safety of the public or a section of the public, or
- (e) is designed seriously to interfere with or seriously to disrupt an electronic system.

Section 1(3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.<sup>8</sup>

Three key dimensions of UK legislation seek to address the illegal possession, use and trafficking of firearms:

1. the prohibition of the possession and importation of prohibited firearms, unless given an exemption by the home secretary;
2. the regulation of the possession and importation of permitted firearms and shotguns; and
3. deterrence by tough prison sentences.

Most legal commentaries note the complexity of UK legislation in terms of the definitions of firearms that are prohibited versus those subject to regulation.<sup>9</sup> Particular problems have been highlighted regarding the definitions for and determining the regulation of 'imitation firearms', 'realistic imitation firearms', 'readily convertible imitation firearms', 'deactivated firearms' and 'antique firearms'.<sup>10</sup> The Crown Prosecution Service (CPS) Guidance notes that while case law exists to help with interpretations, challenges remain.<sup>11</sup> The 2010 UK House of Commons Home Affairs Committee report on firearms controls stated that: *"An onerous burden is placed on the police and on the public because of the difficulty of understanding and applying the 34 relevant laws which govern the control of firearms. It is unreasonable to expect members of the public to know their responsibilities when the law is so complex and confused. It is also unreasonable to expect the police to apply the law accurately in all cases when it is so complex. ... We recommend that, rather than adding new rules and greater confusion, the Government provides proposals for early consultation on how to codify and simplify the law. Along with the proposals themselves, we urge the Government to*

give careful consideration to how it will publicise the legislation in order to give greater clarity to the lay person".<sup>12</sup>

Criminals have thus been able to exploit some of the 'grey areas' in the Firearms Act with regard to the acquisition and use of converted blank-firing and reactivated firearms.

### Box 3: Responding to the threat posed by the conversion of Olympic .380 BBM blank-firing pistols<sup>I</sup>

In early 2009 the London Metropolitan Police Service (MPS) noted the use and recovery of an increasing number of Olympic .380 BBM blank-firing pistols<sup>II</sup> that had been illegally converted to fire live ammunition – 148 such pistols were recovered in London during 2007-2010. Such converted pistols were reportedly being sold for between £450 and £750. An MPS armourer determined that the pistol could be converted using equipment that could be purchased from a do-it-yourself shop. The MPS consulted with the German manufacturer of the pistol and the director of the UK Gun Trade Association regarding their concerns over the ease of converting the pistol, and conveyed its concerns to NABIS, the NCA's predecessor (the Serious Organised Crime Agency, or SOCA), Her Majesty's Revenue and Customs Service, the Forensic Science Service (FSS) and ACPO Criminal Use of Firearms (CUF) for assistance to address the problem. Following tests, the FSS concluded that the Olympic .380 BBM blank-firing pistol is 'readily convertible' and should be classified as a 'prohibited firearm' and, in accordance with the Firearms Act (1968), subject to licensing.

Yet one of the reasons for the variety of the pieces of legislation that deal with firearms control in the UK is that changes in legislation and policy are made in response to the collection and presentation by police forces of clear evidence of new developments, and trends in the illegal possession, use and trafficking of firearms, such as the criminal acquisition and use of converted, reactivated and antique firearms or

<sup>I</sup> This case study draws on the following materials: KII 3, 28 March 2017; KII 4, 28 March 2017; and NABIS (n.d.), *Operational Debrief: Olympic .380 BBM Programme of Activity*.

<sup>II</sup> The Bruni Olympic .380 BBM blank-firing pistol was reportedly a popular choice for use in dog training, signalling the start of races at youth athletics meetings, and theatrical and other drama productions. A licence was not required to purchase the pistol, which retailed for around £80-90. As a result, retailers were not required to keep records of imports or sales of the pistols, as would have been the case for a firearm subject to regulations.

the role of intermediaries in the supply of illegal firearms. For example, the case of Grant Wilkinson, discussed in section 2.3.1, influenced the NABIS and Association of Chief Police Officers (ACPO) proposals to create the offence of 'possession of a firearm with intent to supply'. Box 3 presents a case study of the way in which evidence was gathered of the threat posed by the conversion of an Olympic .380 BBM blank-firing pistol, evidence for understanding how to determine 'readily convertible firearm' in accordance with the Firearms Act (1968), and a response proposed to mitigate the risk, which included changes to legislation, cooperation with firearms dealers, and an amnesty. Therefore, while the UK's Firearms Act approaches its 50th anniversary, the country's legislation, regulations, and policy have been adapted to address the challenges posed in the 21st century by illicit firearms availability and use in the UK.

To address the problem posed by the fact that an estimated 1,500 pistols were already in circulation in the UK, a 'multi-agency Joint Management Group' worked with registered gun dealers, as well as trade and gun enthusiast associations, to stop further imports; withdraw the pistol from the market via a recall; and implement a targeted amnesty, which recovered 700 pistols. Overall, 1,322 pistols were removed from circulation using these methods.

Despite repeated recommendations for the codification of UK legislation on firearms controls into a single new law,<sup>13</sup> the UK government has continued to amend the Firearms Act (1968) through other legislation covering criminal offences. For example, during the 2010 parliamentary committee hearings on firearms controls, NABIS and ACPO recommended the creation of two new offences, which were introduced by the Anti-Social Behaviour Crime and Policing Act (2014) as amendments to the Firearms Act (1968): the possession of a firearm with intent to supply; and the importation of, or conspiracy to import, firearms without a licence. However, the government did follow the committee's recommendation to provide guidance on UK firearms controls, publishing the *Guide on Firearms Licensing Law* in April 2016.<sup>14</sup>

The third key dimension of UK legislation to address the illegal possession, use and trafficking of firearms is the use of tough prison sentences as a deterrent (see Box 4 for the maximum sentences for firearms-related offences). UK guidance on sentencing for firearms offences refers to the judgment of Lord Bingham in *R v Avis* (1998), in which he stressed that the unlawful possession and use of real and imitation firearms are particularly serious offences and therefore sentencing should be

used to discourage such possession and use.<sup>I</sup> Since Bingham's judgment, the maximum sentences for several firearms offences have been increased, new offences have been added to the Firearms Act (1968), and mandatory minimum five-year prison sentences are to be imposed for offences relating to the possession, purchase, acquisition, manufacture, sale or distribution/transfer of 'prohibited firearms', as well as cases where someone uses another person to 'look after, hide or transport' prohibited firearms or arranges for the firearms to be available.<sup>II</sup>

The sentencing of those convicted of such offences has been robust, including in cases where the Trident anti-gun crime unit in London raided properties where the offender was suspected of being a custodian for prohibited firearms. For example, Katrina Jordan was sentenced to six years and eight months in prison for the illegal possession of a firearm after police executed a search warrant on her flat and found a Kalashnikov assault rifle and ammunition in January 2015, while Lynn Tetteh was sentenced to five years in prison for possession of a Kalashnikov assault rifle and ammunition in April 2016.<sup>15</sup> It is also notable that the solicitor general, Robert Buckland, has referred several cases relating to firearms possession, acquisition, distribution, sale or transfer to the Court of Appeal for custodial sentences to be increased. For example, in December 2016 Tawana Blake was sentenced to six-and-a-half years in prison for being paid by a gang to store two illegal firearms and ammunition. Buckland referred her case to the Court of Appeal and in February 2017 her sentence was increased to eight-and-a-half years, with Lord Justice Simon stating that 'a deterrent sentence is required where assistance to criminals is significant'.<sup>16</sup> The highest-profile instance of such a referral relates to Buckland's call in 2016 for the sentences for 16 members of Birmingham's Burger Boys gang to be increased for the sale and transfer of at least eight firearms and ammunition, initially sourced from Paul Edmunds. Box 5 summarises the original and new prison sentences in this case.

I Lord Bingham posed four questions that should be considered in sentencing for cases of the unlawful possession and use of real and imitation firearms, which are included in guidance for UK judges on sentencing: 1. 'What sort of weapon was involved? Genuine weapons are more dangerous than imitations, loaded firearms than unloaded, unloaded for which ammunition is available than those for which none is available. Possession of a firearm which has no lawful use, such as a sawn-off shotgun, is more serious than possessing a firearm capable of lawful use; 2. What use, if any, was made of the firearm? The more prolonged, premeditated and violent the use, the more serious the offence is likely to be; 3. With what intention, if any, did the defendant possess the firearm? The more prolonged, premeditated and violent the use, the more serious the offence is likely to be; and 4. What is the defendant's record? The seriousness of any firearms offence is increased if there is an established record of committing such offences or crimes of violence' (CPS (n.d.), *Legal Guidance: Firearms*, [http://www.cps.gov.uk/legal/d\\_to\\_g/firearms/](http://www.cps.gov.uk/legal/d_to_g/firearms/)).

II The changes were introduced by the Criminal Justice Act (2003), Violent Crime Reduction Act (2006) and Anti-Social Behaviour Crime and Policing Act (2014).

**Box 4: Maximum sentences for offences relating to the production, possession, distribution and importation of illegal firearms**

<i>Firearms offence</i>	<i>Maximum prison sentence</i>	<i>Legislation</i>
Possession of/conspiracy to possess prohibited firearms or ammunition with intent to endanger life or to enable another person to endanger life	Life imprisonment	Section 16, Firearms Act (1968)
Possession of a prohibited firearm or imitation firearm with intent to commit an indictable offence or resist arrest	Life imprisonment	Section 18, Firearms Act (1968)
Importing firearms and conspiracy to import firearms or ammunition	Life imprisonment	Section 170, Customs and Excise Management Act (1979)
Possession, purchase, acquisition, manufacture, selling or distribution/transfer of a 'prohibited' firearm	10 years	Section 5, Firearms Act (1968)
Possession of a firearm or imitation firearm with intent to cause fear of unlawful violence	10 years	Section 16A, Firearms Act (1968)
Conversion of/conspiracy to convert imitation firearms	7 years	Section 4, Firearms Act (1968)
Carrying a firearm, air weapon or imitation firearm in a public place	7 years	Section 19, Firearms Act (1968)
Possession of firearms or ammunition without a firearm certificate	5 years	Sections 1 and 2, Firearms Act (1968)
Conspiracy to possess, acquire, distribute, sell or transfer firearms and/or ammunition	5 years	Section 3, Firearms Act (1968)
Unregistered selling, manufacture, transfer or repair of firearms	5 years	Section 3, Firearms Act (1968)

Source: CPS (n.d.), *Legal Guidance: Firearms*, [http://www.cps.gov.uk/legal/d\\_to\\_g/firearms/](http://www.cps.gov.uk/legal/d_to_g/firearms/)

### Box 5: Increased prison sentences for the sale and distribution of illegal firearms: Birmingham's Burger Boys

<i>Offender, age</i>	<i>Original sentence</i>	<i>Sentence after appeal</i>
Nosakhere Stephenson, 41	16 years and 6 months	22 years
Sundish Nazran, 32	13 years	17 years and 3 months
Louis McDermott, 36	9 years and 4 months	12 years and 8 months
Theodore Wiggan, 28	10 years	13 years and 4 months
Rowan Gul, 33	12 years and 3 months	16 years and 9 months
Fitzroy Ducram, 50	7 years and 4 months	10 years and 8 months
Mohammed Miah, 24	13 years	17 years and 5 months
Amar Ghalib, 32	4 years and 11 months	7 years and 2 months
Joynal Abdin, 26	7 years and 3 months	12 years
Ifran Hussain, 25	10 years and 10 months	13 years and 10 months
Usman Hussain, 31	5 years	8 years
Mohammed Fedar, 27	4 years and 4 months	6 years and 8 months
Janed Mohammed, 21	4 years and 6 months	5 years and 5 months
Clinton Officer, 32	11 years	14 years
Jamal Smith, 24	6 years and 6 months	8 years
Darren Mentore, 35	12 years	14 years

Source: BBC (2016)<sup>17</sup>

## 1.2 UK national policy and key instruments to address the illicit firearms market and terrorist access to that market

UK national policy to address the illicit firearms market has been characterised as 'event-driven', with increased attention in Parliament and changes to legislation following marauding firearms attacks, high-profile shooting incidents and worrying trends in illegal firearms crime. UK policy would benefit from 'a continued focus by politicians and police' to maintain low levels of illegal firearms acquisition, possession and use.<sup>18</sup> No single national policy strategy document deals with the illegal firearms market, but the issue is addressed in the context of OCG and USG activities. The NCA is tasked with national coordination, information collection and analysis regarding illegal firearms possession, use and trafficking, providing analysis in the National Strategic Assessment of Serious and Organised Crime. KIIs recognised the importance of police forces' providing the NCA and NABIS with information on illegal firearms to enable the creation of a national picture and good intelligence. The NCA National Strategic Assessment of Serious and Organised

Crime 2016 concluded that firearms are among the top five threats to the UK for 2016-2017.<sup>19</sup>

The UK government's counter-terrorism strategy – known as CONTEST – was launched in 2003 and first published in 2006.<sup>20</sup> It consists of four 'work streams':

- Pursue: to stop terrorist attacks;
- Prevent: to stop people becoming terrorists or supporting terrorism;
- Protect: to strengthen protection against a terrorist attack; and
- Prepare: to mitigate the impact of a terrorist attack.

Overall, the strategy has been regarded as providing 'a holistic framework for the UK's response to terrorism'.<sup>21</sup> As we will demonstrate in the following sections of this chapter, terrorist-related concerns about the illegal firearms market relate primarily to the threat of a marauding terrorist firearm attack (MTFA) with semi-automatic or automatic firearms. Lord Harris's report showed that attention and activities have been directed towards the 'prepare' dimension of the strategy regarding the risk of an MTFA in London.<sup>22</sup> This study focuses on the 'pursue' dimension, in terms of preventing terrorist access to illegal firearms. KIIs emphasised the importance of UK counter-terrorism experience and surveillance resources for 'intelligence, enforcement and prevention', arguing that the following elements have been important for preventing terrorist access to illegal firearms and MTFAs in the UK:

- the limited availability of semi-automatic and fully automatic firearms because of the enforcement of UK firearms legislation;
- the fact that OCGs with access to semi-automatic and fully automatic firearms are unwilling to supply terrorists, perhaps due to their 'honour code' or the risk of detection and subsequent negative impact on their other business interests; and
- the UK's significant intelligence, monitoring and surveillance capabilities that enable early detection of potential risks and thus prevent MTFAs.<sup>23</sup>

Research for this chapter focused on the supply side of the illegal firearms market and terrorist access to that market. However, a key aspect of UK policy on illegal firearms possession, use, and trafficking in OCG and USG contexts is the need to adopt a comprehensive approach that addresses demand and related serious and organised criminal activities, in particular illegal drug market activity.<sup>24</sup> One KII with extensive experience of successful investigations into cases of illegal firearms possession, use and trafficking in an area with high rates of gun crime stressed that 'we can't break all of the supply routes, therefore we need to change [OCGs' and USGs'] mentality'.<sup>25</sup> Another KII emphasised that in order to deal with gun crime,

one has to be cognisant of the broader socio-economic context in which illegal firearms are used, and that it is not enough to just focus on trying to cut off supply.<sup>26</sup> Several KIIs emphasised the importance of looking at young people as an at-risk group for gun crime, which is particularly reflected in the UK's Ending Gang and Youth Violence Programme.<sup>27</sup>

While there is a national framework for tackling OCG and USG gun crime, police forces have relative autonomy to determine how best to address the illegal firearms market in their areas, and which measures to take and cooperative arrangements to make. Therefore, there is a force-by-force approach for dealing with the local illegal firearms market, driven by local market dynamics and key individual decision-makers in regional police forces. Most notable in this regard are the three police forces that established specialist units to tackle firearms-related crimes in three of the four police forces areas with the highest levels of firearms offences:

- Trident (London Metropolitan Police Service): established in 2000 in response to high-profile shooting incidents and murders, but now responsible for tackling gang crime more broadly;
- Xcalibre (Greater Manchester Police): formed in 2001 as part of a multi-agency response to tackle gun- and gang-related criminality in Moss Side and South Manchester; and
- Matrix (Merseyside Police): created in 2005 and dedicated to tackling gun crime at all levels, from education and community involvement to investigation and armed response where required. It ceased to exist in 2014 due to budget cuts.<sup>28</sup>

The importance of utilising street-level intelligence gathered by covert operatives in conjunction with the surveillance and monitoring of computers, phones, credit cards and banking helps to identify the 'Mr Big' figures involved in the illegal firearms market and not just the lower-level figures. While KIIs acknowledged that Matrix was disbanded during a period of declining gun violence in the Merseyside area, the subsequent increase in firearms offences in this area corresponds with the period since the disbanding of the specialised unit. It was therefore felt that if 'we take our eye off the issue, the problem returns ... we need to keep up the pressure and constantly disrupt the supply of firearms'.<sup>29</sup>

Due to the circulation of illegal firearms within the UK, this has involved mapping OCG and USG linkages in order to understand potential firearms flows and distribution. KIIs explained that intelligence on who procures from and supplies the UK illicit firearms market comes primarily from covert operations and surveillance.<sup>30</sup> According to KIIs, an area where more work is needed is that of understanding the



nature of the demand for firearms.<sup>31</sup> A variety of methods have been used to learn about supply and circulation, such as the use of undercover operatives (to access the illicit firearms market, gather information on the types of firearms that are available, prices, etc., and identify key players and potential sources of supply) and the use of controlled deliveries of firearms parts in postage/courier parcels from the United States (to apprehend the key players involved in the illegal firearms market and not just the custodians and initial recipients).<sup>32</sup> Golding and McClory emphasised the importance of long-term covert operations to disrupt illegal arms supplies and circulation in the UK, as well as noting that such operations require considerable resources and therefore compete with other priorities, such as terrorism. They stressed that the West Midlands Police had insufficient surveillance capacity to deal with illegal firearms supply and the Greater Manchester Police could not put phone taps in place quickly enough.<sup>33</sup>

### 1.3 Forms of cooperation in the fight against the illicit firearms market

Several agencies are involved in the fight against the illicit possession, use and trafficking of firearms in the UK:

- National Crime Agency
  - Strategic Governance Group and Threat Group on Firearms
  - Border Policing Command
- National Ballistics Intelligence Service
- UK police forces (police force areas in England and Wales, Police Scotland, Police Service of Northern Ireland)
  - National Police Chiefs Council/Association of Chief Police Officers Criminal Use of Firearms
  - Five regional counter-terrorism units
  - Anti-gun crime specialist units
- UK Border Force
- Her Majesty's Revenue and Customs Service
- National Police Chiefs Council – Counter Terrorism Coordination Committee
- National Counter Terrorism Policing Network
- Metropolitan Police Counter Terrorism Command (known as SO15)
- Home Office, Office for Security and Counter Terrorism
- Joint Terrorism Analysis Centre, MI5
- Crown Prosecution Service
- Judiciary
- Her Majesty's Prison and Probation Service

This section provides an overview of cooperation among these agencies and the ways in which they cooperate internationally. In addition to cooperation with other national law enforcement agencies and Europol, UK police forces and NABIS have also sought to cooperate with European firearms producers. As noted above, the London Metropolitan Police Service consulted with Bruni as part of its efforts to address the threat posed by converted Olympic .380 BBM pistols. In 2012 NABIS visited the Glock factory in Austria to deepen cooperation that began because of tracing requests sent to the factory in relation to the circulation of Glock pistols in the UK illegal firearms market.<sup>34</sup>

### 1.3.1 Inter-agency cooperation in the UK

KIIs stressed the importance of good inter-agency cooperation in the UK to address the illegal firearms market and terrorist access to it. The experience of dedicated ‘gang and gun crime’ units in Greater Manchester, London, and Merseyside, combined with the national capabilities and intelligence provided by NABIS, enabled police to ‘investigate the gun’ and, in the process, both address street-level gun violence and apprehend the key players – ‘Mr Big’ figures – in OCGs, USGs and illegal firearms supply. The recovery of ballistics material used in crimes and other discharges, and its processing and analysis by NABIS helped police to create an ‘inferred firearm’ and better understand the dynamics of the firearms market in each police force area, as well as national networks.<sup>35</sup> The ‘investigate the gun approach’ made possible by such cooperation was regarded by KIIs as a novel 21st-century response to gun crime in the UK, revealing useful information to address the illegal firearms market in the UK.<sup>36</sup> The creation of NABIS (see Box 6) and NCA support are regarded as critical in this regard.

When an illegal firearm is seized at a UK port of entry, it is reported by the NCA International Crime Team (ICT).<sup>37</sup> When a firearm is seized in someone’s possession in such circumstances, the appropriate NCA border investigation team conducts the investigation. In cases where the firearm is found in a parcel, the NCA ICT assesses the circumstances and decides on the appropriate unit to investigate a particular case, perhaps referring it to the regional intelligence unit that covers the intended recipient’s address. The regional organised crime unit or police force area’s intelligence bureau takes further action. Irrespective of the option chosen, the NCA ICT and NABIS are required to be informed of progress and the outcome of any investigation. In order to ensure that a pre-existing investigation into an illegal smuggling operation is not disrupted by the UK Border Force, senior investigating officers ‘should give serious consideration to notifying the UK Border Agency’ to prevent disruption. Similarly, a senior investigating officer is required to check with

the UK Border Force to ensure that action to stop criminals bringing firearms into the country does not interfere with an operation by another UK law enforcement or security agency, including counter-terrorism operations.

#### Box 6: National Ballistics Intelligence Service

NABIS was launched in March 2008 as a ‘new weapon in the fight against gun crime’. It is funded on a subscription basis by UK police forces, with forensic laboratories in Birmingham and Manchester and links to the laboratories of the Metropolitan Police, Police Scotland, and the Police Service of Northern Ireland. NABIS provides law enforcement agencies in the UK with forensic, tactical, and strategic intelligence, based on the analysis of ballistic recoveries from crime scenes and other firearms-related incidents that are processed and analysed using the Integrated Ballistics Identification System (IBIS). This includes statistical data on firearms availability, recovery and use.

NABIS has expanded on the FSS forensic database of firearms and ballistic material recovered from crime scenes, which it inherited, and the current database contains information on firearms types, producers, serial numbers, and other markings. NABIS reportedly traced 1,417 recovered firearms that had serial numbers between 2013 and May 2016,<sup>38</sup> helping to identify the source and point of diversion for each weapon and also contributing towards the construction of an overall national picture on sources of supply and risks of diversion.<sup>39</sup> It is necessary for police forces to submit recovered ballistic material as quickly as possible for NABIS analysis, to help support investigations into the firearm in question and possible links with other recorded firearms crimes in the area or in other parts of the UK.

The West Midlands Police, which hosts the NABIS team and database, considers NABIS to be ‘the most advanced ballistic tracking and intelligence service in the world’.<sup>40</sup>

Operation Dragonroot (see Box 7), and the agenda for the ACPO CUE, indicate that counter-terrorism considerations are currently a significant factor in UK police operations to address illegal firearms possession, supply, and distribution.<sup>41</sup> KIIs highlighted the positive benefits of collaboration between units that focus on OCGs and USGs and those with a terrorist focus, because the former deal with the illegal firearms market on a daily basis and have tactics and operational experience that is

tested daily, while the latter have better strategic-level intelligence, as well as more sophisticated monitoring and surveillance capabilities.

### Box 7: Operation Dragonroot, October 2016

Operation Dragonroot was a joint operation that took place in the UK during October 2016 involving police forces around the country, organised jointly by the NCA and the National Counter Terrorism Policing Network (NCTPN). It was intended to give a clear public signal of bringing organised crime and counter-terrorism resources together to address illegal firearms in the UK. The operation was intended to disrupt the ‘criminal supply of illegal firearms’ and identify the ‘potential for their supply to terrorists’.<sup>42</sup> Media attention focused on the 833 firearms seized during the operation, which included the confiscation of firearms from firearms dealers who had their licences revoked and 93 firearms surrendered to Essex police. The recovered or seized firearms included 200 handguns (including CZ-75, Makarov, Tanfoglio GT32, and Zoraki pistols), 153 shotguns, 99 rifles, 11 assault rifles (including one AK-74), two machine guns and one Skorpion sub-machine gun.<sup>43</sup>

However, the testing of ‘a new approach to intelligence collection and sharing, which the NCA and NCTP will now continue via a central coordination hub’ was considered more important than the quantity and quality of firearms collected.<sup>44</sup> KIIs indicated that the results in terms of intelligence on criminal-terrorist links with regard to illegal firearms varied significantly among police force areas.<sup>45</sup> The operation ran in parallel to a public awareness campaign #GunsOffOurStreets, which ‘invited the public to report what they know’.<sup>46</sup>

KIIs warned that care needs to be taken to prevent the merging of capabilities for addressing the illegal firearms market.<sup>47</sup> One KII noted that while counter-terrorism units can provide more resources for monitoring and surveillance to address illegal firearms supply and circulation, the KII questioned the willingness of these units to share potentially useful information with those involved in addressing illegal firearms in the hands of criminals. This KII therefore cautioned that too much stress on counter-terrorism could have a negative impact on the ability of police forces to address the daily negative impacts on the public caused by illegal firearms supply and circulation.<sup>48</sup> He therefore stressed the importance of getting the balance right between the various proactive and reactive approaches.<sup>49</sup>

### 1.3.2 Cooperation with law enforcement agencies in Europe and European agencies

KIIs explicitly mentioned only Ireland, Lithuania, and the Netherlands as EU member states with which UK law enforcement agencies have undertaken significant cooperation to address the illegal firearms market in the UK. UK law enforcement agencies cooperated with Lithuania in efforts to address the illegal supply of converted Baikal pistols during 2006-2011 (see also section 2.3.4).<sup>50</sup> Cooperation between the UK and the Netherlands to address the smuggling of drugs and small numbers of firearms led to the creation of a joint investigative Dutch police-Merseyside Police 'team'.<sup>51</sup> In October 2013 the NCA concluded an investigation in cooperation with the Netherlands and Germany into a UK OCG that was importing drugs and weapons from the Netherlands.<sup>52</sup>

The head of NABIS intelligence, Ian Head, has served as the chair of the European Firearms Experts (EFE) group, which forms part of the Law Enforcement Working Party, during 2013-2017. Because the EFE group is responsible for producing the EU Firearms Threat Assessment and facilitating the sharing of expertise, good practice and information on illicit firearms manufacturing and trafficking in Europe, the fact that a NABIS representative chairs the group would indicate that there is good potential for UK cooperation with partners in another EU member state. For example, NABIS was asked to produce the 2011 European Firearms Threat Assessment.<sup>53</sup> The decision to appoint Ian Head was reportedly taken in 'recognition for the work that NABIS and the UK has done to support the group over the past five years [and] NABIS is helping to shape the international engagement of law enforcement and influence how Europe tackles gun crime'.<sup>54</sup> The NCA has also noted that the UK 'has influenced EU-level activity including efforts to standardise and tighten firearms legislation'.<sup>55</sup>

One KII discussed cooperation with Europol, focusing in particular on the embedding of two police officers from Merseyside and the West Midlands Police, both with extensive experience of investigating illegal firearms-related crimes in the UK liaison bureau at Europol during 2014-2015.<sup>56</sup> The secondments were a pilot programme 'to facilitate the exchange of information from UK Law Enforcement relating to firearms, the wider threat of Serious and Organised Crime and the EMPACT (European Multidisciplinary Platform Against Criminal Threats) threat priority areas'.<sup>57</sup> According to the ACPO CUF lead, Deputy Chief Constable David Thompson, 'The project has a two-fold purpose; to increase joint investigations with EU Member States and ACPO forces, and gain increased support from Europol for UK investigations'.<sup>58</sup> The results of the project were regarded positively by one KII, because the exercise demonstrated the potential for such secondments, but there were

questions regarding the implications of Britain's pending withdrawal from the European Union (EU).<sup>59</sup> The UK also reportedly shares the quarterly results and analysis of its firearms tracing with the firearms focal point at Europol.<sup>60</sup> However, the KII noted that while the UK is providing information on illegal firearms, only limited information is being returned. Part of the problem could be related to the currently limited use of IBIN. In conclusion, the KII stated, 'I'm not sure we get what we want from European cooperation [on the issue of illegal firearms trafficking] at the moment'.<sup>61</sup>

### 1.3.3 Cooperation with the United States

Several KIIs mentioned good cooperation with the United States in the investigation of imports into the UK resulting from online sales, including on the dark web, and courier or postal deliveries of blank-firing and Glock pistols.<sup>62</sup>

One of the best publicly known cases of multi-level cooperation to address the illegal importation of firearms into the UK, and their subsequent distribution to criminals in the country, is known as Operation Lapworth I and II (see Box 8). The operation focused on the attempt by criminals based in West Yorkshire in England to illegally import 12 Glock pistols from the United States in the period between April 2010 and April 2011. The operation involved cooperation in the UK between the West Yorkshire Police, SOCA (the NCA's predecessor), NABIS, the UK Border Agency and the CPS, and consultations with SO15. It also relied on good cooperation with the US Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The case revealed important information on the methods used to smuggle firearms into the UK, but also demonstrated the benefits of national and international cooperation to gather intelligence, test new surveillance tools and tactics, and test the responsiveness of mechanisms for bilateral cooperation to trace illegal firearms and manage a transatlantic investigation into a smuggling operation. Operation Lapworth I and II is one of the best examples of strong inter-agency cooperation in the UK, and noteworthy cooperation with the ATF in the United States.

### Box 8: Operation Lapworth I and II, 2010–2011<sup>63</sup>

Operation Lapworth began following the discovery by the UK Border Agency at East Midlands Airport of parts and components for two Glock 26 pistols that had been shipped from the United States to addresses in Bradford in packages that stated that the contents were electronic items. Altogether, 13 firearms were shipped by Scottsdale Liburd of Texas in the United States to addresses in West Yorkshire in 27 parcels, all of which stated that the contents were electronic items. The shipments were arranged by Asian males involved in criminal activities, with the initial contact made with Liburd via iOffer.com. Payments for the weapons were made via PayPal and indicated that credit card fraud was used to pay for some of the items. The parcels were delivered to recipients that were not directly involved in criminal activities, with subsequent delivery or pick-up by the criminals. Even after the arrest of Atique Arif, Adnan Izbai, Mudassar Izbai, Mohammed Tariq, and Damian Waite in July 2010 for their role in the illegal importation of the seized Glock pistol components, communication continued with Liburd to continue the delivery of Glock pistols. At the same time, a tracing request facilitated between NABIS and the ATF had identified the so-called ‘straw purchaser’<sup>1</sup> for the Glock pistols in the United States as Yvette Trevino. The ATF arrested Trevino and relayed information to its UK counterparts in early August 2010 that Trevino’s former boyfriend, Scottsdale Liburd, organised the purchases and shipments from the United States.

In December 2010 Liburd informed the ATF that renewed requests had been made for the shipment of Glock pistols to West Yorkshire. All parties agreed to utilise this information to arrange for a controlled delivery of deactivated firearms parts from the United States to West Yorkshire, with the aim of identifying the actual end user of the firearms and locating the firearms that had been delivered before July 2010, some of which had been used in Manchester in the autumn of 2010. The controlled delivery therefore not only required cooperation between law enforcement and border agencies, but also cooperation with the airline involved in the transportation of the items and the use of surveillance technologies that could be housed in the smuggled parts and components without discovery until the end user could be identified. The controlled deliveries took place in February 2011 and led to a snooker club in Bradford run by Sakawat Shah, who, along with Moshin Hussain, was suspected of dealing in the illegally imported firearms after they arrived in the UK. In October 2011 Shah and Hussain were sentenced to eight years’ imprisonment, while Arif and Tariq were given 24-year prison sentences and Iqbal was sentenced to 12 years in prison.

<sup>1</sup> ‘Straw purchaser’ is the term used to describe an individual that purchases a firearm, but conceals the identity of the ultimate end user.

## 2. Characteristics of the UK illicit firearms market

The UK illicit firearms market is fragmented. There are strong regional variations relating to supply, but also distribution networks that operate between regions.<sup>64</sup> This section provides an overview of the availability of illegal firearms in the UK, drawing on a mixture of quantitative and qualitative data. KIIs and media sources provide information on the price of different types of firearms in the UK, as well as the main characteristics and supply mechanics of and actors involved in the illegal firearms market. In addition, the study sought to investigate whether the UK illicit firearms market can be most accurately described in terms of ‘the existence of local markets in illegal firearms with questions of supply and demand largely manifested at a local level’.<sup>65</sup>

### 2.1 Estimating the size of the UK illicit firearms market

It is very difficult to reliably quantify the size of a national illicit firearms market, since it involves assessing an illegal activity that is not captured by official statistics.<sup>66</sup> It has been estimated that following the Dunblane massacre of March 1996, there were between 500,000 and 4 million firearms on the UK illicit firearms market.<sup>67</sup> This is such a broad range that it is not regarded as a useful point of departure for a study of this market. One common assumption expressed by KIIs and desk-research corresponds with the NCA claim that: ‘The overall availability of firearms in the UK remains lower than in other western European countries.’<sup>68</sup> For example, according to official UK national data, as of the end of March 2016 a total of 720,419 firearms and shotgun certificates were valid related to 539,194 registered firearms (mainly rifles) and 1,331,563 shotguns.<sup>69</sup> Therefore, in 2016 around only 1% of the population of England and Wales were legally permitted to possess a firearm or shotgun.<sup>1</sup> Previous studies have demonstrated that England and Wales have relatively low firearms possession rates compared to other European countries. While the EU has an estimated 15.7 firearms per 100 persons, for example, the estimate for England and Wales is only 6.2 firearms per 100 persons.<sup>70</sup>

We examined several proxy indicators for estimating the size of the UK illicit firearms market.<sup>71</sup> Firstly, we analysed the regional breakdown of official data for England and Wales on registered firearms and official data on police-recorded firearms offences. Despite the limitations of using this government data for estimating

<sup>1</sup> The UK Office of National Statistics (ONS) recorded the population of England and Wales in 2016 as 58,381,200 (ONS (2017), ‘England and Wales population mid-year estimate’, 22 June, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/timeseries/ewpop/pop>).



the size of the UK illicit firearms market, we found that the police force areas with the highest number of registered firearms do not provide a useful indicator for the availability of illegal firearms, because the highest number of firearms offences occur in urban areas with comparatively lower overall numbers of firearms and registered firearms holders. It has been noted that there: *“is a lack of data in the public domain showing the extent to which legally-owned firearms are used in gun crime, partly because it is difficult to collect accurate data (because in many incidents the gun is not fired or recovered and therefore difficult to identify), and partly because the Home Office does not routinely publish the data that it does collect”*.<sup>72</sup>

Importantly, the Home Office, the ACPO Firearms and Explosives Licensing Group, and NABIS informed a parliamentary enquiry on firearms control that the “the vast majority” of firearms-enabled offences are committed with illegally-held firearms.<sup>73</sup> The relatively low level of firearms loss and theft also indicates that in recent years the legal firearms market has not represented a significant source for the UK illicit firearms market (see section 2.3.5).

Secondly, we tried to collect data from open sources and FOI requests on firearms discharges for regions with high levels of firearms offences. Thirdly, we examined information on firearms seizures. All of these official data sources were interrogated using information provided by KIIs and other qualitative data sources. These various data sources do not directly provide an indication of the size of the illicit firearms market in the UK, but can help to understand the level of availability of illegal firearms in the country.

### 2.1.1 Firearms offences

Criminal offences involving firearms accounted for 0.2% of police-recorded crimes during the period 2012/13-2015/16.<sup>1</sup> Table 2 indicates that the number of police-recorded firearms offences was in decline in England and Wales between 2008 and 2014 and in Scotland between 2007 and 2013, but has increased again in recent years. The most significant factor behind the worsening situation is a 15% increase in offences involving handguns, which have occurred mainly in urban areas (from 2,162 in 2013/14 to 2,497 in 2015/16). Offences involving shotguns and imitation weapons, including converted weapons, have also increased in recent years. Despite the overall 5% increase in firearms offences committed during 2015/16 compared

<sup>1</sup> The types of crime involving a firearm that are considered in this section are: homicide; attempted murder; threats to kill; assault with injury and assault with intent to cause serious harm; robbery; rape; and sexual assault (ONS (2017), *Focus on Violent Crime and Sexual Offences, England and Wales: Year Ending Mar 2016*, 9 February, p. 54).

to 2013/14, the data for police-recorded crimes involving firearms in England and Wales in 2015/16 are still at 47% of the firearms-crime level for 2005/06.

**Table 2: Trends in police-recorded crime in England, Scotland and Wales involving the use of firearms,<sup>I</sup> 2002/03-2015/16<sup>II</sup>**

Year (April-March)	Firearms offences in England and Wales	Firearms offences in Scotland	Firearms offences in England, Scotland and Wales
2002/03	10,248	-	-
2003/04	10,338	-	-
2004/05	11,069	-	-
2005/06	11,088	1,068	12,156
2006/07	9,645	1,260	10,905
2007/08	9,865	1,143	11,008
2008/09	8,199	970	9,169
2009/10	8,082	841	8,923
2010/11	7,040	647	7,687
2011/12	6,022	535	6,557
2012/13	5,158	365	5,523
2013/14	4,856	374	5,230
2014/15	4,912	-	-
2015/16	5,182	-	-

Source: ONS (2017);<sup>74</sup> Allen and Dempsey (2016)<sup>75</sup>

For at least the past decade the Greater Manchester, London, Merseyside, and West Midlands police force areas consistently recorded the highest levels of firearm crime per head of population in England and Wales (see Table 3). Data for 2015/16 indicated that London Metropolitan (30%), West Midlands (10%) and Greater Manchester (9%) police force areas accounted for around half of firearms offences in England and Wales, while they account for about a quarter of the population.<sup>76</sup> National data for 2016/17 were not published when this study was prepared, but London Metropolitan firearms offences data for 2016/17 were released in April 2017 and indicated a 42% increase from 1,793 firearms offences in 2015/16 compared to 2,544 during 2016/17.<sup>77</sup>

<sup>I</sup> Firearms include: shotguns; handguns; rifles; imitation weapons such as BB guns or soft air weapons; other weapons such as CS gas or pepper spray; stun guns; and unidentified weapons. They exclude conventional air weapons, such as air rifles.

<sup>II</sup> Police-recorded crime data are not designated as national statistics.

**Table 3: Firearms offences by police force area, per 100,000 of head of population, 2007/08–2014/15**

Police force	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	Per 100,00 head of population for year ending March 2015
West Midlands	974	985	903	912	648	499	540	562	20
Metropolitan Police	3,396	3,087	3,524	2,747	2,479	1,959	1,594	1,652	19
Greater Manchester	1,160	827	709	504	365	387	397	437	16
Bedfordshire	83	64	96	105	64	49	77	86	13
South Yorkshire	202	144	121	134	84	163	164	161	12
Merseyside	398	352	258	226	248	211	212	162	12
Essex	260	176	154	135	137	131	154	176	10
West Yorkshire	332	287	267	218	257	253	224	221	10
Suffolk	38	25	16	26	20	22	16	59	8
Lancashire	349	207	215	179	126	100	116	116	8

Source: ONS (2016);<sup>78</sup> Allen and Dempsey (2016)<sup>79</sup>

2.1.2 Firearms discharges

KIIs from police force areas with high levels of firearms crime informed the research team that ‘firearms discharges by the public’ are better indicators for illegal firearms availability than ‘gun crime’.<sup>80</sup> A report from the West Midlands Police chief constable to the Strategic Police and Crime Board explained that: “*Firearms discharges are regarded as a strong indication of the actual prevalence of lethal purpose weapons amongst criminals. This is one of the critical areas monitored by the UK threat group and NABIS. Discharges provide an insight into the nature and type of weapons used and the circumstances*”.<sup>81</sup>

Yet the report noted that there are differences between police forces’ recording of firearms discharges. For example, the Greater Manchester Police only record ‘gang-related firearms discharges’, while other forces record all reported public firearms discharges. The NCA noted that firearms discharges more often relate to USGs than OCGs, due to the fact that OCG use is more limited and is largely involved with protection, robbery, intimidation and status.<sup>82</sup> NABIS analysis has indicated that: “*once a firearm has been discharged, it has an 86 per cent chance of not being used again ....*

*This disposability may be aided by the relatively low cost of antique, converted or reactivated weapons. ... Conversely, so called 'status weapons', such as sub-machine guns, are re-used disproportionately more often and are subject of greater movement, showing them to be a far less disposable commodity".<sup>83</sup>*

This should be borne in mind when examining the data given below as an indicator for firearms availability.

The Greater Manchester Police and Merseyside Police provided information on recorded firearms discharges for recent years. While the data for Merseyside indicate a decline in firearms discharges during the period 2012-2015 (see Table 4), KIIs reported that there were 87 firearms discharges in 2016.<sup>84</sup> Furthermore, new types of firearms were discharged, because only 29 of the 87 recorded discharges were shotguns, and less than half a dozen of the remaining 58 discharges could be linked. A similar trend was recorded in Greater Manchester Police data, with a notable increase in firearms discharges during 2015/16 compared to previous years – from 34 discharges in 2012/13 to 21 in 2013/14, and then on an upward trajectory to 33 in 2014/15 and 55 in 2015/16.<sup>85</sup> The data were interpreted by KIIs as indicating the greater availability of new types of firearms during 2015-2016 in comparison with previous years.

**Table 4: Information on firearms seizures and discharges in the Merseyside Police area, 2012-2016<sup>I</sup>**

Year	Firearms seizures	Firearms discharges
2012	N/A	32
2013	114	35
2014	128	27
2015	122	25
2016	109	N/A

Source: Merseyside Police (2017)<sup>86</sup>

<sup>I</sup> Data on firearms discharges were 'obtained by use of "keyword" searching and then a review of the descriptive information held. The data is based on physical evidence or from credible individuals that there has been a discharge of a firearm which includes air weapons'.

2.1.3 Firearms seizures

The UK Border Force provides data annually on seizures of drugs, cigarettes, alcohol, ivory and coral, but not firearms, explosives and ammunition.<sup>87</sup> Therefore, the data on seizures at borders and ports presented in Table 5 have been constructed using information made publicly available during questions and debates in the UK Parliament. This dataset reveals that the UK Border Force seized the highest number of ‘real’ firearms during 2012/13, with the second highest level in 2015/16. The broad range of items covered by ‘imitation’ and ‘other’ does not enable informed analysis for the availability of illegal firearms. For example, the ‘imitation’ category ‘other’ category mixes ‘parts of guns’ with stun weapons, mace and pepper sprays, airguns, and silencers. Therefore, only limited analysis of this data is possible to inform an estimate of the size of the UK illicit firearms market.

NABIS has provided some information in press releases on the number of firearms seized or recovered in recent years.<sup>88</sup> For example, NABIS analysed 859 ‘recovered’ firearms, most of which were classified as ‘illegal’, during 2015/16 and found that 55 of these firearms had ballistic links to criminal discharges.<sup>89</sup>

Table 5: Firearms seizures by the UK Border Force, 2010/11-2015/16<sup>i</sup>

Type of firearm	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Real	94	197	463	283	126	445
Imitation <sup>ii</sup>	776	3,888	1,255	399	419	321
Other <sup>iii</sup>	1,150	176	1,403	3,017	2,301	1,533

Sources: UK Parliament (2016); They Work for You (2016)<sup>90</sup>

2.2 Types and prices of available firearms

Problems with the categorisation of firearms used in firearms offences, in particular unidentified firearms, mean that it is difficult to use these data to determine the types of firearms that are available on the illicit firearms market. UK police-recorded

I The figures quoted are management information, which is subject to internal quality checks and may be subject to change. These figures are not already in the public domain.  
II Imitation includes: readily convertible firearms and realistic imitation firearms.  
III ‘Other’ includes: parts of guns, mace and pepper sprays, stun weapons/batons, air gas guns and silencers.

data show that handguns continue to be the criminal ‘firearm of choice’, a preference that reportedly began in the 1980s.<sup>91</sup> Since 2003/04, handguns have been used in 40% of police-recorded firearms offences (see Table 6).<sup>92</sup>

**Table 6: Firearms offences by firearm type in England and Wales, 2006/07-2015/16<sup>I</sup>**

Year	Shotguns	Handguns	Imitation firearms <sup>II</sup>	Rifles	Unidentified firearms	Rifles and other firearms <sup>III</sup>
2006/07	612	4,173	2,516	69	1,276	1,068
2007/08 <sup>IV</sup>	602	4,172	2,561	71	1,325	1,205
2008/09	618	4,273	1,507	89	953	848
2009/10	581	3,757	1,526	67	1,368	850
2010/11	611	3,107	1,618	74	958	746
2011/12	494	2,655	1,387	56	834	652
2012/13	453	2,256	1,226	43	724	499
2013/14	387	2,134	1,142	55	698	495
2014/15	431	2,062	1,123	52 (55) <sup>V</sup>	833	463
2015/16	411	2,157	1,431	(43)	666	517

Source: ONS (2017);<sup>93</sup> Allen and Dempsey (2016)<sup>94</sup>

It has been estimated that 750 USGs or OCGs in the UK are ‘involved with guns’.<sup>95</sup> Hales, Lewis and Silverstone emphasised that ‘supply is patchy’ and criminals are ‘forced to buy whatever is on offer’.<sup>96</sup> One KII indicated that ‘firearms are transported around the country’ for use by different OCGs and USGs, which further emphasises the limited supply of firearms.<sup>97</sup> This was based on the assumption that the profile for the availability of firearms for use in criminal offences in Manchester provided a ‘typical’ profile for OCGs and USGs in England and Wales. For example, firearms used by gangs in Manchester were transferred to ‘co-ethnic’ gangs and affiliates in Birmingham and Leeds too – but these firearms were not transferred to OCGs and USGs in Liverpool. The impression was given of circulation among small USGs.<sup>98</sup>

I Police-recorded crime data are not designated as national statistics.  
 II Imitation firearms include weapons such as BB guns and soft air weapons, which can fire small plastic pellets at low velocity.  
 III Rifles and other firearms include starting guns, prohibited firearms (including CS gas) and other firearms.  
 IV The Violent Crime Reduction Act introduced in October 2007 made it illegal to import or sell imitation firearms and tightened the rules for the manufacture and sale of certain types of air weapons.  
 V The use of (...) refers to rifles data for calendar year 2014 for 2014/15 and 2015 for 2015/16, taken from Allen and Dempsey, (2016 p. 9).

NABIS data provide the UK with an excellent opportunity to understand the types of firearms that are available in the country, changes in demand and supply over time, and prices. NABIS research and analysis published in 2015 indicated seven types of illegal firearms in the UK:

- ‘original lethal purpose’ firearms;
- converted blank-firing firearms;
- reactivated firearms;
- lawfully owned firearms and shotguns that have been diverted into the illicit market;
- homemade firearms;
- antique weapons; and
- 3D-printed guns.<sup>99</sup>

The analysis did not reveal which type of firearms are most in demand or readily available based on submissions to NABIS, but noted that ‘a third of guns examined by police were blank-firing, modified or reactivated weapons that had been converted’.<sup>100</sup> It is important to bear in mind that access to certain types of firearms differs according to position in the criminal hierarchy: while semi-automatic or reactivated ex-military firearms are restricted to older and more senior members of an OCG (for intimidation purposes or for an assassination), cheaper firearms, such as converted pistols and antique handguns, are usually available to young gang members and USGs.<sup>101</sup>

### 2.2.1 Prices

Research conducted by Hales, Lewis and Silverstone that was published in 2006 remains the most comprehensive survey of illegal firearms procurement and prices for illegal firearms in the UK (see Table 7). Their research indicated that the price for illegal firearms in the UK was influenced by the following factors:

- Firearm type and availability;
- Leakage from legal sources;
- Regional levels of supply and demand;
- Purpose built lethal firearms are typically more expensive than converted or illegally manufactured firearms;
- If the firearm has been used in a previous crime, it will be cheaper than a ‘clean’ firearm;
- Better criminal contacts typically mean wider choice and lower price;
- Urgency allows the seller to dictate the price, pushing prices higher;

- Prices are generally lower if the seller is a dependent drug user; and
- Ammunition availability.<sup>102</sup>

KIIs highlighted that most of these factors continue to influence illegal firearms prices.<sup>103</sup>

**Table 7: Price estimates for different types of firearms, 2006**

Type of firearm	Low end	High end
Shotgun	£50-200	£700-800
Handguns	£150-200	£1,000-1,400
Converted imitation firearm (e.g. 8 mm blank firer)	£200	
Automatic weapons (e.g. MAC-10 sub-machine gun/machine pistol)	£800	£4,000

Source: Hales, Lewis and Silverstone (2006, pp. 49-56)

Ammunition availability is also considered an important factor for understanding the dynamics of the UK illicit firearms market. Therefore, UK police forces monitor the price of ammunition as a key indicator for the availability of ammunition and types of firearms in their areas.<sup>104</sup>

### 2.2.2 Changes in availability

In 2010 a UK parliamentary committee reported that ‘replica, converted and deactivated firearms have emerged as a major source of illegal guns, perhaps owing to the difficulties that criminals now experience in acquiring genuine lethal firearms’.<sup>105</sup> NABIS analysis in 2010, for example, indicated that some pre-1995 standard deactivated firearms had been reactivated and used in criminal offences, and in January 2012 NABIS produced a profile on the ‘Scale and Use of Deactivated and Reactivated Firearms Across the UK’, which indicated that although there have been a comparatively low number of reactivated firearms discharges, such firearms are used for murder and intimidation.<sup>106</sup> Therefore, the issue of conversion is not new and available data indicate that converted handguns are among the most readily available types of firearms for OCGs and USGs in the UK.<sup>1</sup>

<sup>1</sup> Reactivated MAC-10s were reportedly selling for up to £2,000 in 2008, while a reactivated Uzi sub-machine gun was sold to an undercover officer in Merseyside for £5,000 in 2010.



KIIs explained the cyclical nature of supply and demand in the UK illegal firearms market. They noted that when a particular type of firearm is targeted for an intervention in order to restrict supply, its price increases and demand switches to another type of firearm that has become more readily available.<sup>107</sup> During the past decade it appears that this process has manifested itself in the following way.<sup>108</sup> During 2005-2009, a significant quantity of converted Baikal pistols were supplied from Lithuania. The blank-firing pistol was believed to cost around £10 and examples were sold to Lithuanian gangs for £300 after conversion and fitting with silencers.<sup>109</sup> It was reported that a converted Baikal pistol could cost about £1,500 in the UK at the time. Targeted interventions by police forces in London and Greater Manchester, and cooperation with Lithuanian authorities by the nascent NABIS arrested the supply during 2009-2011.<sup>110</sup> During 2009-2011 Glock pistols were imported into the UK from the United States in significant quantities before supply was arrested. The Glock pistols were reportedly purchased for around £300 in the United States and resold in the UK for up to £4,000.<sup>111</sup>

#### Box 9: Illegal firearms in Merseyside<sup>112</sup>

Merseyside has a high level of firearms crime, and like other such areas in the UK, demand for firearms largely originates from OCGs and USGs involved in the illegal drugs trade. Also in comparison with other areas with high levels of firearms crime, Merseyside recorded a significant decline in firearms offences during 2007-2014 (see Table 3). However, several KIIs indicated that Merseyside has traditionally constituted a distinct firearms market in the UK, with a specific profile for types of firearms and sources of supply that differs from other regions of England and Wales.<sup>113</sup>

Firstly, firearms circulate among criminals in Merseyside, and there is limited evidence of transfers to other parts of the UK for use in criminal activities.<sup>1</sup> Inferred firearms analysis for Merseyside during 2012-2015 indicated that firearms used in homicides had been discharged multiple times, which is regarded as an indicator of limited supply, and correlated with a comparatively low level of firearms discharges for Merseyside (see Table 3). Most of the discharges were reportedly from shotguns. The Merseyside Police seized the following firearms during 2014-2015: 22 revolvers, 16 rifles or muzzle-loading weapons, 43 handguns and 22 pistols.<sup>114</sup>

<sup>1</sup> A notable exception was a case where criminals from the West Midlands and Merseyside met in prison and arranged a transfer.

Secondly, the main source of firearms used in armed violence in Merseyside has traditionally been lawfully held firearms that have been stolen from other regions of the UK. The Merseyside Police area has had – and continues to have – one of the lowest overall levels of registered firearms and shotguns in England and Wales. Merseyside Police data also record only ten registered firearms reported stolen during the period 2012–2016.<sup>115</sup> Criminals from Merseyside steal firearms, mainly shotguns, from large houses in nearby rural police force areas. It is suspected that criminals have recently targeted premises belonging to registered firearms holders. For example, a registered 7.62 mm sniper rifle, .50 calibre rifles, and 1,000 rounds of ammunition were stolen from a property in North Wales and made their way to Merseyside. The sniper rifle was discharged in Merseyside and a .50 calibre rifle was recovered from a field in Merseyside, where it had been abandoned, with the butt and barrel sawn off.

The picture reportedly changed quite dramatically in 2016. There was an increase in firearms discharges and ‘new’ types of firearms being used.<sup>116</sup> For example, only 29 of the 87 recorded discharges were shotguns, and less than half a dozen of the remaining 58 discharges could be linked. The ‘new’ types of firearms being used include:

- converted Glock 9 mm pistols that are misfiring, which were legally imported as deactivated firearms from Slovakia, and then converted in the UK and sold for around £3,000 each;
- antique St Etienne and Bulldog revolvers that were purchased online from a retired British couple living in France. Each antique revolver and ammunition production kit is sold for €400 and then resold in Merseyside for around £1,000. The Merseyside Police have recovered 36 such antique firearms to date. The firearms were delivered to one person’s home and the ammunition to another; and
- converted Baikal pistols, but it is unclear if this represents a new source of supply or the recirculation of Baikal pistols that arrived in the UK during the period 2006–2009.<sup>117</sup>

<sup>1</sup> The data relate to the theft of firearms recorded as either burglary and theft or theft (Merseyside Police (2017), ‘Firearms in Merseyside’, FOI request DJ 2017–429, 9 June, [https://www.whatdo-theyknow.com/request/firearms\\_in\\_merseyside\\_2#comment-78416](https://www.whatdo-theyknow.com/request/firearms_in_merseyside_2#comment-78416)).

Since 2013 KIIs have noted the supply of two different types of firearms on the UK illicit market as of particular concern: antique firearms since 2013; and reactivated firearms from Germany and Slovakia since 2015.<sup>118</sup> Regarding the apparent increase in firearms availability and use in the UK since 2015, the West Midlands Police chief constable, Dave Thompson, stated in January 2016: *“These guns are not the machine guns or the automatic weapons that we saw in the dark days. They are handguns and a lot of them are antiques and the ammunition is poor quality, but nonetheless there seems to be more of them than we have seen in a while. We need to look carefully at where they are coming from and we need to try to seize more of them .... We know, via the ballistic tracking, that new weapons have emerged that we have not seen before. ... I think we do have a strong sense that there is a little more availability”*.<sup>119</sup>

Since 2013 ‘antique’ firearms, such as the late-19th-century French-made Saint-Etienne army revolver, have become increasingly popular among low-end USGs and represent an increased share of firearms discharges in urban areas.<sup>120</sup> Although the ammunition for antique firearms is considered obsolete, and therefore these weapons are not subject to the same controls and restrictions as other types of handguns (i.e. not subject to the need for a firearms certificate), they can be adapted to fire modern ammunition.<sup>121</sup> Several cases of transfer and use, including for terrorist acts, are discussed below. In Birmingham, antique firearms were sold in 2014 for £3,000 each.<sup>122</sup>

NABIS analysis from 2015 highlighted criminal interest, including by USGs in south-east England, in reactivated Czech-produced Skorpion vz.61 sub-machine guns sourced from Germany and Slovakia.<sup>123</sup> Skorpion sub-machine guns were used in two attacks in London in 2014, including the shooting of a police community support officer, and in two murders in London between September 2015 and April 2016.<sup>124</sup> Detective Superintendent Damian Allain of the Metropolitan Police’s Trident anti-gang unit said: ‘We are seizing more automatic weapons and we recognise there are potentially more Skorpion weapons in circulation but we are targeting the suppliers to get them off the streets.’<sup>125</sup> Police seized 18 sub-machine guns in 2015, compared to 13 in 2014.<sup>126</sup> Open-source information on the price for Skorpion vz.61 sub-machine guns in the UK is unclear. One case records the online dark web purchase price for Skorpion sub-machine guns of around £3,000, with the potential for a sale in the UK up to £15,000.<sup>127</sup> In another case it was reported that Skorpion vz.61 sub-machine guns and Vz.58 assault rifles could be purchased for around £4,000 in the UK.<sup>128</sup>

## 2.3 Supply mechanisms for the illicit firearms market

The five main supply mechanisms for the illicit gun market in the UK are:

1. illegal production, conversion, and reactivation;
2. legal imports diverted to the illicit market;
3. legal purchase in another country and illegal importation into the UK;
4. the smuggling of illegal firearms; and
5. theft or loss from legitimate owners and diversion into the illicit market.

Below we will give an overview of the dynamics and actors involved in these supply mechanisms. It is important to keep in mind that the players involved in the supply of firearms to the illegal firearms market can use a variety of methods to source and distribute firearms (including multiple methods in one case).

### 2.3.1 Illegal production, conversion and reactivation

The illegal production of ammunition and the conversion and reactivation of firearms are regarded as important sources of supply for the UK illicit firearms market. Hale, Lewis and Silverstone provided the following profile for those involved in these activities: 'Individuals with basic engineering skills have been able to circumvent firearms legislation by converting legally-obtained air weapons and blank-firing imitation firearms and reactivating deactivated firearms, so that they fire live ammunition, which in some cases is home-made.'<sup>129</sup> These individuals can produce ammunition, convert a blank firer, reactivate a deactivated firearm, and/or produce a firearm from parts. The profile is middle-aged or elderly white males with an interest in firearms.<sup>130</sup> Some consider them to be 'gun enthusiasts' who will not necessarily have direct connections to criminal networks, but are known by a 'distributor' who has criminal links.<sup>131</sup> The following cases provide information on the key actors involved and illustrate the dynamics of the reactivation and conversion of firearms in the UK.

During 2005-2007 the Metropolitan Police investigated a series of firearms discharges and murders involving reactivated MAC-10 machine pistols. Their investigations led them to Grant Wilkinson. The Thames Valley Police found Wilkinson's illegal firearms factory in the outbuilding of a farmhouse near Reading and a store at a property in High Wycombe, which contained two converted MAC-10 machine pistols; nine deactivated MAC-10s; ten replica handguns; parts and components for firearms; material for the production of ammunition; and machinery, tools and documentation for conversion. It transpired that Wilkinson purchased

90 blank-firing MAC-10s from Guy Savage's Sabre Defence Industries in London 'on the pretence that they were to be used in the James Bond movie *Casino Royale*'.<sup>132</sup> He used a false name to purchase the firearms, paying £55,000 in cash in several transactions. He expected a 500% return on this investment.<sup>133</sup>

In 2009 undercover officers from the Merseyside Police's Matrix unit involved in the investigation of illegal firearms supply in Merseyside uncovered an illegal firearms factory at an industrial unit in Liverpool, where James Dunne and Neil Hilderley reactivated at least 45 firearms.<sup>134</sup> The undercover officers were led to the factory as a result of purchasing an Uzi sub-machine gun and Sten gun from two 'couriers', Lee Malone and Joseph 'Jo Jo' O'Rourke. The firearms indicated the existence of reactivated weapons, because the rifling on both weapons was the opposite way from what it should have been.<sup>135</sup> The Merseyside Police found the industrial unit that was being used for the reactivation of firearms and production of ammunition. The arrest of Malone and O'Rourke also led the Merseyside Police to an international arms-trafficking operation (see section 2.3.3).

In January 2016 former Polish soldier Bart Pawlowski was found guilty of reactivating more than 40 firearms, including Kalashnikov assault rifles, and producing ammunition at a workshop in London.<sup>136</sup> Ishmael Brown and Ehsen Abdul-Razak used mobile phones from their prison cell to source and sell the firearms. The deactivated firearms were collected by Brown's girlfriend, Caitlin Adams, and Aaron Shane Murray. The pair delivered the firearms to Pawlowski's workshop during January-June 2015. The operation was uncovered when Murray and Uzair Patel were found in possession of a 9 mm self-loading pistol. By January 2016 only eight of the 40 reactivated firearms had been recovered.

### 2.3.2 Legal imports diverted to the illegal market

NABIS research identified the way in which 'corrupt registered firearms dealers' in Australia and the United States use their extensive knowledge of firearms and firearms legislation to exploit loopholes in legislation to import firearms that are subsequently diverted to the illegal firearms market.<sup>137</sup> Several KIIs intimated that more could – and should – also be done in the UK in this regard.

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I As a result of the investigation, proposals were put forward for significant changes to UK firearms legislation. The case also demonstrated what can be achieved when UK law enforcement agencies collaborate to address the illicit firearms market. Guy Savage cooperated with the police and gave evidence at Grant Wilkinson's trial, but was subsequently arrested and extradited to the United States for international arms trafficking offences.

A number of cases of corrupt registered firearms dealers exist in the UK. In January 2017, for example, police in Birmingham stopped and searched the vehicle of 67-year-old John Spencer Booth, a registered firearms dealer, and found ten sawn-off shotguns and over 200 rounds of ammunition.<sup>138</sup> A particularly worrying case came to light in April 2014, when police discovered 463 firearms (including an anti-tank weapon) while investigating an alleged assault case involving 49-year-old James Arnold.<sup>139</sup> The investigation of Arnold's property led to Anthony Buckland, a firearms dealer in Norfolk, who had illegally sold at least 26 firearms to Arnold. Buckland was found guilty of selling prohibited weapons and fraud.

The most significant recent investigation into a registered firearms dealer diverting legally imported firearms into the illegal firearms market had not concluded at the time of writing.<sup>140</sup> Paul Edmunds, a 65-year-old registered firearms dealer, is accused of playing an important role in the diversion of legally imported antique firearms into the illegal firearms market in the West Midlands during 2009-2015.<sup>141</sup> It has been estimated that he imported hundreds of firearms from the United States, which were supplied via an intermediary to the Birmingham-based Burger Boys gang. Police found three armouries at his home in Gloucestershire in July 2015, in which he reportedly made tens of thousands of rounds of ammunition that were supplied with the antique firearms to the Burger Boys. NABIS experts linked ammunition recovered from at least 90 crime scenes to the ammunition found at Edmunds' house. His identification and arrest followed the capture in 2014 of the Burger Boys gang members involved in antique firearms dealing (see box 5).<sup>142</sup> The firearms and ammunition were transferred to the Burger Boys gang via a mutual acquaintance, Dr Mohinder Surdhar, who was a firearms certificate holder. Surdhar has pleaded guilty to the transfer of firearms, but Edmunds has denied his part in the conspiracy.<sup>143</sup> This case indicates the potential for legally imported firearms to be diverted to the illegal market, as well as the illegal production of ammunition in line with the first category referred to above. It also shows the importance of intermediaries to the process of facilitating a transfer between legal firearms dealers and the illicit firearms market. As noted in section 1.1, above, antique firearms represent a loophole in the Firearms Act regulatory regime, because dealers do not have to record details of the sale, and purchasers do not require a firearms certificate.

### 2.3.3 Legal purchase in another country and illegal importation into the UK

The United States is the source for over half of all firearms seized at UK border entry points.<sup>144</sup> Many of these firearms can be traced back to so-called 'straw purchases' or online purchases (see also section 2.3.4). One of the most notorious cases of legal

purchase in the United States and illegal importation into the UK relates to the activities of Stephen Greenoe. Open-source reports do not reveal another case on the same scale during the period under study.

During February-June 2010, US national Steven Greenoe travelled from the UK to Raleigh in North Carolina (United States) eight times to purchase firearms at several different gun stores, illegally export them from the United States, and illegally import them into the UK. In this way he acquired at least 79 firearms, mainly pistols.<sup>145</sup> Greenoe purchased most of the firearms using a North Carolina conceal-and-carry weapons licence. The smuggling operation was first identified by covert police in Merseyside's Matrix unit in February 2010, when Lee Malone and Joseph 'Jo Jo' O'Rourke offered to sell undercover officers five Glock 9 mm pistols for £18,500 (see section 2.3.1). In the end Malone and O'Rourke only supplied three Glock pistols to the undercover police for £10,500. Although the serial numbers had been manually removed from the pistols, forensic analysis in the UK revealed their serial numbers. These were sent to the United States in a tracing request, which revealed that these three Glock pistols were purchased by Steven Greenoe on 17 February 2010 at Carolina Shooters Supplies. Alerted to Greenoe's activities, the ATF monitored his purchases during the period 20-24 July 2010 and recovered 33 Glock pistol boxes that he had disposed of in Raleigh. These boxes matched Greenoe's purchases and provided bullets that had been test fired and provided with the pistols. On 25 July 2010 Greenoe checked in four bags of luggage for his flight from Raleigh via New York to Manchester, UK. He did not declare the pistols in his luggage. The Immigration and Customs Enforcement agency and the ATF retrieved a garment bag from the luggage area, and the screening of this luggage revealed two hard-sided Pelican cases. Sixteen pistol slides and pistol barrels were found in one case, and 16 lower pistol receivers in the other. The serial numbers for these pistols matched those that Greenoe had purchased during his week in the United States. Inside one case there was a note addressed to the US Transport Security Administration stating that Greenoe had permission to transport the inert 'samples'. Another piece of luggage contained 32 magazines. Greenoe was arrested at the departure gate for his flight. He stated that he purchased firearms during February-July 2010 for his employees involved in overseas maritime protection and all but two of the firearms had been exported to the UK using the same method. He appeared to be aware that he was violating US export control laws by exporting firearms without a licence. He was convicted of violating US export control laws and sentenced to ten years in prison.

I According to documents from the US District Court for the Eastern District of North Carolina from 2010 (Case No. 5:10-M-1646), these firearms included 29 Ruger pistols (various models), 27 Glock pistols (various models), one Steyr M9 pistol, one Taurus 709 pistol, one Highpoint C9 pistol, one Smith & Wesson pistol, one SIG Sauer P250 pistol, one Skyy pistol and one Browning Grade III 12-gauge shotgun.

### 2.3.4 Smuggling of illegal firearms

Writing just over a decade ago, Hales, Lewis and Silverstone assessed illegal firearms smuggling as a ‘relatively insignificant’ source for the UK illegal firearms market.<sup>146</sup> Ireland was mentioned as a source of supply, although they urged caution in using such information to indicate a pattern for illegal firearms smuggling into the UK.<sup>147</sup> The most recent NCA National Strategic Assessment of Serious and Organised Crime indicates that smuggling firearms into the UK is a concern, and indicates two main forms of smuggling, via:

- maritime and roll-on/roll-off traffic at UK ports; and
- the postal service and courier companies.<sup>148</sup>

NCA analysis indicates that handguns, Skorpion sub-machine guns and assault rifles are smuggled into the UK via Belgium, France, and the Netherlands from Eastern and South-Eastern Europe.<sup>149</sup> The NCA notes that ‘routes to the UK are varied and dependent on the method used’.<sup>150</sup> The assessment of KIIs in the UK regarding UK-based OCG involvement in firearms smuggling is in line with the view that firearms trafficking by OCGs in Europe is ‘almost exclusively a supplementary rather than primary source of income for the small number of OCGs involved in this crime area’.<sup>151</sup> As noted above, the size of the return for illegal firearms smuggling is not regarded as being worth the risk for UK-based OCGs. Analysis of source countries and suspected routes indicates an overlap with drug-smuggling routes into the UK. Bulk heroin consignments are assumed to be shipped via South-Eastern Europe to Dover. Cocaine is shipped from the Americas by container to the European hubs of Antwerp and Rotterdam, before transportation to UK ferry ports.<sup>152</sup> The drugs-firearms link between gangs in the Netherlands and the UK, in particular Merseyside, is not a new phenomenon, but is a particular concern.<sup>153</sup> Many of the open-source cases of trafficking interceptions during the period under study revealed the transfer of small quantities of firearms and ammunition in drugs shipments.

During the past decade one can identify two general profiles for illegal firearms smuggled into the UK. The first is the illegal smuggling of converted Baikal blank-firing pistols from the Baltic states by Lithuanian crime gangs. The peak period for the illegal smuggling into the UK of Baikal pistols, which were converted into pistols capable of firing live rounds in Lithuania, was 2005-2009. UK police forces found evidence of their use by USGs during this period. The UK Border Force detected efforts to import such items in ‘private multi-occupancy passenger-vehicles or privately operated parcel post vehicles from Lithuania’.<sup>154</sup> In one case, ten Baikal pistols, silencers and 300 rounds of ammunition were found hidden in the



dashboard of a Lithuanian-registered minibus at Dover inbound tourist controls. In another case, 15 converted Baikal pistols, silencers, another handgun, and several hundred rounds of ammunition were found in a Lithuanian-registered car-transporting lorry.<sup>155</sup> One of the sources of the conversion was uncovered in Kedainiai in Lithuania in August 2006, where hundreds of legally purchased Baikal low-powered gas pistols were converted to fire live ammunition.<sup>156</sup> Publicly available information shows that in some cases it was difficult to demonstrate criminal intent to distribute on the part of the drivers and passengers in the vehicles bringing the Baikal pistols into the UK. It was assumed that this method for smuggling converted Baikal pistols was successfully blocked in 2009-2010, after UK-Lithuanian cooperation. However, in October 2015 five Baikal pistols and 35 rounds of ammunition were found in a Lithuanian 'postal bus', and another ten handguns, silencers, and 100 rounds of 9 mm ammunition were seized at Dover in a UK-registered Peugeot 208 car driven by two Lithuanian nationals.<sup>157</sup> Therefore, it appears that in cases where a route and method for illegal firearms trafficking has been stopped, it can resurface five or six years later if demand continues and supply is restricted.

Secondly, the smuggling of deactivated and reactivated ex-military sub-machine guns and rifles into the UK from Central, Eastern and South-Eastern Europe has emerged as a significant concern in recent years.<sup>158</sup> For example, the NCA issued a warning in 2015 concerning the smuggling of Czech-produced Skorpion sub-machine guns into the UK.<sup>159</sup> UK law enforcement agencies have focused particularly on efforts to smuggle such automatic firearms into the country since the MTFA in Paris in November 2015.<sup>160</sup> These types of firearms are thought to have been illegally imported into the UK via traditional trafficking methods and by post.<sup>161</sup>

In August 2015 the NCA and the Kent Police intercepted what is thought to be the 'largest seizure of automatic weapons ever made on the UK mainland'.<sup>162</sup> Gang boss Harry Shilling and his 'lieutenants', Michael Defraime and Richard Rye, sourced 22 Vz.58 assault rifles, nine Skorpion sub-machine guns, two silencers, 58 magazines, and 1,500 rounds of ammunition from FG Security in Slovakia. The automatic firearms were purchased for 'between £120 and £320 each but could have been sold for up to £4,000 each'.<sup>163</sup> The gang's intentions were brought to the attention of the NCA after Shilling and Defraime had travelled to Hungary, Romania and Slovakia in 2014 to purchase firearms. Surveillance and monitoring of their phones indicated that the firearms would be smuggled into Cuxton in Kent from Boulogne in France on board a pleasure craft in August 2015. The boat left the UK on 9 August for France and returned with its cargo on 10 August 2015. NCA surveillance teams monitored the smugglers unloading bags and suitcases containing the firearms and ammunition into a van. The investigation did not reveal the gang's plans for the firearms, although it is suspected that the gang intended to use them to achieve a higher

status in the OCG and USG hierarchy. The seriousness of the offence is reflected in the sentences handed down to the gang in April 2016 (between 64 months and 30 years in prison). While the source for the firearms is a well-known concern, this smuggling method stands out in the open-source information on large-scale firearms trafficking into the UK.

Another method for sourcing reactivated Skorpion sub-machine guns from continental Europe was uncovered in spring 2014, which exhibited elements used for smuggling other types of illegal firearms into the UK. While serving an eight-year prison sentence for robbery, Andrew Mullings used a smartphone from his cell in Wandsworth Prison to organise the sourcing, sale and distribution in the UK of eight reactivated Skorpion sub-machine guns. He purchased the weapons from a dark-web retailer, which delivered the firearms from Germany via Parcelforce to eight different addresses in London. Spencer Inglis took delivery of the firearms and Mullings' girlfriend, Emily Ciantar, acted as the courier. Five Skorpion sub-machine guns are believed to have been delivered before police obtained knowledge of the delivery of the presumed sixth weapon to Inglis on 12 April 2014, with subsequent interceptions on 15 May 2014 and 19 June 2014. As noted in other cases, the use of partners and friends as couriers and custodians is a feature of the UK illegal firearms market.<sup>164</sup>

The review of open-source information has revealed other cases in which criminals have used public websites and the dark web to order firearms and parts for delivery into the UK in postal and courier packages from Germany and the United States.<sup>165</sup> Although the UK police do not report a significant number of hits for the use of dark-web sources for procuring firearms for illegal import into the UK,<sup>166</sup> the NCA reportedly began working in 2013 with the ATF and US Postal Inspection Service to investigate US-based dark-web trafficking groups that supply firearms to customers in the UK.<sup>167</sup> It is suspected that this cooperation related to the case of Mark Richard, who used dark-web sources to order handguns and ammunition that were delivered to Aaron Bishop and Martin Beard. Open-source data indicate that handguns, parts, and components illegally imported from the United States and Germany – both lethal and blank-firing weapons – are detected being shipped by post and courier; in several cases these are online purchases.

### 2.3.5 Theft or loss from legitimate owners

An increase in the loss or theft of registered firearms and shotguns in the UK has come to be seen as an indicator of a restricted illegal firearms market.<sup>168</sup> UK police report that leakage of legal firearms into the illegal market is a bigger problem now than in the past.<sup>169</sup> For example, 210 rifles, 103 handguns and 282 shotguns were reported as 'misappropriated' during 2006/07, compared to 692 licensed firearms reported stolen or lost in 2015/16.<sup>170</sup> The police authority areas that have high levels of registered gun ownership but low levels of firearms offences have been regarded as a source for the illegal firearms market.

KIIs and NABIS analysis highlight that holders of licences to deal in or possess firearms are acquiring illegal arms as collectors, with no intention to divert such firearms to the illegal market. However, such individuals have been identified as potential risk cases because 'these hoarders and significant firearms caches pose a risk of bulk theft of firearms, whether or not the owner is criminally complicit ... which presents a risk of the collections finding their way into criminal hands'.<sup>171</sup>

The theft or loss of firearms held by the police and the UK MoD have not been regarded as a significant source for the illegal firearms market in England and Wales.<sup>172</sup> Between 2008 and 2016, 62 service firearms<sup>I</sup> were stolen or lost from UK military bases.<sup>II</sup> Interestingly, 39 of these weapons were later recovered, which indicates a relatively good recovery rate.<sup>173</sup> However, there have been several high-profile cases in recent years that have drawn attention to the potential risk of military personnel stealing firearms and ammunition and selling automatic weapons, potentially for terrorist purposes, in the UK. In England, a Royal Marines reservist was caught in a sting operation attempting to sell for £10,000 a C8 automatic assault rifle, a semi-automatic SIG Sauer P226 handgun, thousands of rounds of 5.56 mm and 9 mm ammunition, and hand grenades that he had stolen from the RM Poole military base in Dorset, as well as a sawn-off shotgun.<sup>174</sup>

I These figures include the theft of 18 pistols, 14 rifles and four light machine guns; the loss of two pistols, ten rifles, two general-purpose machine guns and one shotgun; and the non-specified disappearance of two non-operational L85A2 assault rifles, one SIG Sauer pistol, seven Biathlon rifles and one H&K MP7 carbine.

II The data only refer to weapons lost or stolen in 'non-operational areas' or explicitly specified as in the UK.

### 3. Terrorist access to the UK illicit firearms market

In recent years the UK has witnessed few terrorist attacks in which firearms have been used. In March 2017, however, the UK's most senior counter-terrorism police officer, Assistant Commissioner Mark Rowley, stated that there were '500 live counter-terror investigations at any time ... [and] 13 foiled attacks since June 2013'.<sup>175</sup> Earlier, in October 2016, he also stated that 'half of the terrorist plots that have been disrupted in recent years have involved terrorist plotters who tried to get hold of guns'.<sup>176</sup> One report quantified this as 'five of the 10 terrorist attacks foiled by British security services and police during 2015-16 involved plans to buy guns'.<sup>177</sup>

After the Mumbai attacks in 2008, UK law enforcement agencies became concerned about the threat of a MTFA in which a terrorist group could use the River Thames for an attack on key infrastructure in London.<sup>178</sup> More recently, the call by Abu Bakr al-Baghdadi and the so-called Islamic State leadership for jihadists to kill Westerners in Europe using whatever weapons are at their disposal has heightened fears of an MTFA occurring in the UK.<sup>179</sup> The MTFAs in Paris in November 2015 and Brussels in March 2016 have also influenced the focus of UK counter-terrorism agencies and national and local government on the need to disrupt jihadist efforts to acquire firearms for use in the UK. In an independent review of London's preparedness to respond to a major terrorist incident, Lord Harris noted that:

*No doubt, as a nation we have benefited from the fact that firearms are more difficult to acquire here than elsewhere in the world. However, London is not firearms-free. ... Our borders are not as secure as they should be and much greater efforts should be made to prevent the illegal transportation of weapons and people into the country. It would be naive in the extreme to assume that would-be terrorists will not attempt to exploit any such weaknesses.*<sup>180</sup>

As a result, some of the recommendations contained in the review's report called for:

- London's mayor to seek assurances at the national level that 'that the routine screening and searching of cars and freight entering the country is being significantly enhanced, with an uplift in land-based and sea-based border force coverage';
- the establishment of joint intelligence hubs between the NCA and Metropolitan Police Service to 'tackle the illegal importation of firearms with regular reports to Ministers and to the Mayor's Office on the progress made'; and

- changing national firearms legislation so that the ‘negligent’ loss or theft of a registered firearm results in the permanent removal of the holder’s firearms certificate.<sup>181</sup>

While such measures could be useful for information sharing between relevant agencies seeking to address access to illegal firearms in the UK, several KIIs reflected on the broader question ‘do jihadists in the UK need firearms for a terror act?’.<sup>182</sup> Firstly, KIIs reflected on the various organisational structures and purposes of jihadist terrorists today compared to ethno-national and separatist terrorist attacks perpetrated by groups in Northern Ireland. Republican and Loyalist terrorist groups in Northern Ireland had structures and purposes that were organised in a way that could be infiltrated, and sources for firearms, ammunition and explosives could therefore be identified using human-intelligence methods.<sup>183</sup> This is more difficult in the case of small cells of jihadist terrorists, but the logistical infrastructure and potential state sponsors and sources of supply are also not comparable. Secondly, KIIs considered that in seeking to acquire a firearm in the UK, especially a semi-automatic or automatic firearm, the risk of potential detection for a would-be jihadist terrorist significantly increases. The acquisition of such firearms is challenging for criminals, and is a ‘red’ flag’ that would invite a rapid law enforcement response due to the UK’s surveillance and monitoring capabilities. One KII asked if the limited availability of automatic firearms on the illicit market in the UK provides a very high ‘barrier to entry’ for perpetrators of MTFAs.<sup>184</sup> Thirdly, it was noted that a jihadist seeking to commit a spontaneous violent extremist act would use readily available tools (e.g. car, knives), because it takes time and planning to acquire a firearm for an MTFa.<sup>185</sup> In the UK, automatic firearms are not considered an easily available option for a jihadist.

The first part of this section provides a case study of criminal and ‘ethno-nationalist and separatist’ terrorist access to illegal firearms in Northern Ireland. The second part analyses the recent cases of firearms acquisition by jihadists planning a terrorist attack. The final part provides more details about the firearm used in the right-wing terrorist murder of MP Jo Cox in 2016.

### **3.1 Terrorist access to illegal firearms in Northern Ireland**

There is a clear and evident crossover between organised crime and terrorism in terms of the supply and use of illegal firearms in Northern Ireland. It is important to highlight that during the period known as ‘The Troubles’ – the 1970s and 1980s – illegal firearms were delivered via ports in Northern Ireland and the Republic of Ireland to terrorist paramilitary organisations engaged in the conflict in Northern

Ireland – on one side terrorist groups fighting for the unification of Ireland (Republican) and on the other side those fighting for Northern Ireland to remain part of the UK (Loyalist). On the one hand, the Republican terrorist paramilitary organisations and in particular the IRA significantly benefitted from state sponsorship from Libya's Colonel Muammar Qaddafi and Irish expatriates in the United States, who provided funds and significant quantities of firearms, light weapons and explosives for their cause.<sup>186</sup> It is difficult to accurately estimate the number and type of firearms that were smuggled into Northern Ireland during this time. The Loyalist forces, on the other hand, mainly used stolen weapons, and individuals with engineering skills produced illegal firearms from parts and reactivated firearms.<sup>187</sup> Since the signing of the Good Friday Peace Agreement in April 1998, terrorist paramilitary organisations have reportedly decommissioned their firearms and explosives, overseen by paramilitary groups and independent bodies.<sup>188</sup> It is assumed that elements in the IRA and other paramilitary organisations retained some of their arms, with firearms known to have been used during the Troubles continuing to be used in Northern Ireland and the Republic of Ireland today. Although armed violence has declined since the conclusion of the Good Friday Agreement, the terrorist-criminal nexus continues to influence the availability of illegal firearms in Northern Ireland.

Nowadays Northern Ireland has become relatively stable. However, official data show an increase in illegal firearms possession and seizures in recent years. The Police Recorded Security Situation Statistics show that the Police Service of Northern Ireland (PSNI) recovered 66 firearms in 2015/16, compared to 58 during 2014/15.<sup>189</sup> This increase corresponds with an increase in the number of weapons possession offences, which has been on the rise for the last three years for which data are available, reaching 923 offences in 2015/16 – the highest level recorded in the data series for trends in police-recorded crime in Northern Ireland.<sup>190</sup> In addition, there were 117 firearms discharges during 2015.<sup>191</sup>

Successor and splinter organisations to those involved in the Troubles are suspected of retaining firearms acquired forty or fifty years ago. Terrorist paramilitary-style shootings continue to be used today to maim or kill their victims. The Global Terrorism Database recorded 16 terrorist incidents that involved the use of a firearm or imitation weapons in Northern Ireland during 2015.<sup>192</sup> PSNI data indicate that during 2015/16 there were 14 casualties as the result of paramilitary-style shootings, 13 of which were carried out by Republican groups and one by a Loyalist group.<sup>193</sup> The vast majority of these attacks happened in Belfast, with the number of paramilitary-style shootings in Northern Ireland at its lowest since 2008/09. Six people were charged for firearms offences under Section 41 of the Terrorism Act (2000).<sup>194</sup>

Open-source data reveal a wide variety of firearms types seized by the PSNI and used in crimes, including Kalashnikov-type automatic rifles, Heckler and Koch (H&K) MP5 sub-machine guns, Glock and Makarov semi-automatic pistols, and shotguns. H&K MP5 sub-machine guns stolen from PSNI stocks and Glock 9 mm pistols appear to be used in high-profile crimes. Therefore, the illegal firearms used in Northern Ireland are markedly different to those in other parts of the UK, with access to military-grade firearms more readily available for criminal and terrorist use. Although some of these firearms could have entered Northern Ireland during the Troubles and circulated in the illegal firearms market for decades, there is evidence to suggest that some of these firearms might have been smuggled into Northern Ireland more recently using established routes for smuggling drugs. KIIs suggested that firearms are included as part payment for drugs supplied to OCGs (see Box 10).

#### Box 10: Linking drugs and guns in Northern Ireland

Jock Davison, a commander of the Provisional IRA, was shot and killed in South Belfast using a Makarov pistol that had not previously been used in Northern Ireland.<sup>195</sup> This pistol is suspected of being smuggled into Northern Ireland by a Ukrainian OCG operating in Northern Ireland that was supplying drugs and firearms to drug dealers in Belfast. Makarov pistols are reportedly sold for £2,200 each, including ammunition and a silencer.

Another case of drugs and firearms being smuggled into Northern Ireland was revealed by Operation Redstart, led by England's North West Regional Organised Crime Unit – TITAN.<sup>196</sup> The operation successfully disrupted the activities of a Liverpool-based OCG that was smuggling cocaine and cannabis to Northern Ireland, with the couriers protecting themselves with revolvers and sub-machine guns.

A high-ranking PSNI police officer provided an overview of the five main types of illegal firearms available in Northern Ireland, the majority of which are suspected of reaching Northern Ireland via the Republic of Ireland: 'If there is a cold in Dublin, there will be a sneeze in Belfast.'<sup>197</sup> Firstly, legacy firearms from the Troubles continue to be in use today. For example, it is known that 12 Kalashnikov-type assault rifles recently used in firearms offences were part of the shipments that arrived from Libya in the 1970s. The PSNI knows of at least one firearm that has been used 20 times since the 1970s. It is suspected that firearms in the hands of Republican

terrorist groups have limited crossover to OCGs. In contrast, there is more evidence of Loyalist firearms being transferred to OCGs, but such exchanges are still limited.

Secondly, reactivated firearms are available on the illicit gun market in Northern Ireland. Although there is evidence of the presence of skilled and experienced gunsmiths in both Republican and Loyalist terrorist organisations in Northern Ireland, Loyalist terrorist organisations are believed to have relied more heavily on reactivated firearms than Republican groups.

Thirdly, personal protection weapons (PPWs) stolen from serving and former police officers and other public figures, who can apply for a licence to legally possess a handgun under PPW provisions in Northern Ireland's Firearms Order, represent a potential source of illegal firearms use. During 2016, 53 PPWs were reported stolen, together with considerable amounts of ammunition. Other legally held weapons have also been reported stolen, but exact numbers are not available. A particularly worrying case became known in August 2016 involving the theft by a British Royal Marine from a UK military base of handguns and ammunition intended for terrorists in Northern Ireland.<sup>198</sup>

Fourthly, an important supply mechanism is the illegal smuggling of firearms for use by OCGs. Illegal firearms have been smuggled to OCGs in Northern Ireland in different ways, for example, by bus from Bulgaria, Latvia, Lithuania, and Poland; by ferry to Dublin and then into Northern Ireland; and by ferry from Liverpool in England and Stranraer in Scotland. As mentioned earlier, this type of firearms supply is usually linked to the illegal drug trade. At the lower end of the scale, converted blank-firing pistols can be purchased for around €150 and are treated as disposable firearms that are used once and often left at the crime scene. There is an increase in the import of Glock 9 mm pistols via Amsterdam and Dublin, with the serial numbers removed, and up to a dozen Skorpion sub-machine guns have recently been seized.

Finally, there is also evidence of attempts to procure firearms online via the dark web, with parts shipped separately for the recipients to reassemble. In 2016, for example, operations were conducted to trace shipments of Glock 9 mm pistols to OCGs.



### 3.2 Acquisition of firearms by jihadist terrorists in the UK

The introduction to section 3 noted the limited number of cases of jihadist plans to access firearms in the UK. There are only two such cases for which open-source information is readily available. This section presents a brief description of each case and reflections on the questions posed in the opening of this chapter on terrorist access to illegal firearms in the UK.

One of the two successful jihadist terror attacks in the UK in recent decades featured a firearm, although it was not used. On 22 May 2013 Michael Adebolajo and Michael Adebowale murdered 25-year-old soldier Lee Rigby close to his Woolwich barracks.<sup>199</sup> Adebolajo and Adebowale, both British Muslim converts of Nigerian descent, knocked Rigby over in their car before attacking him with knives. Adebolajo attempted to decapitate Rigby with a meat cleaver. When an armed police response team arrived, Adebowale brandished an unloaded 90-year-old Dutch-produced KNIL 9.4 mm revolver and was shot by armed police. Adebolajo had been arrested in Kenya in November 2010 with five Kenyan youths suspected of trying to enter Somalia to join al-Shabaab, and was returned to the UK. As a result of suspected terrorist ties, he was subject to monitoring by MI5, but was found to be 'spending most of his time involved in drug dealing'.<sup>200</sup> Adebowale was also involved in drug dealing. Therefore, both had low-level gang links and suspected jihadist interests. After the attack, both were convicted of murder and illegal firearms possession.

The second case relates to a foiled plot by radicalised British citizens to stage a drive-by shooting of police or soldiers in London in the name of ISIS. In this case, a would-be jihadist who did not have a criminal record was able to acquire a converted Baikal pistol and ammunition from a low-level criminal source that attended the same Muslim Cultural Heritage Centre. The police foiled the plot in late September 2014 shortly after the would-be jihadists acquired a firearm.<sup>201</sup>

The plot was as follows: 21-year-old Tarik Hassane, a medical student at the University of Medical Sciences and Technology in Khartoum (Sudan), and 21-year-old Suhaib Majeed, a physics student at King's College London, made preparations for an MTFA during the summer of 2014. Hassane travelled to Syria in 2013 as an ISIS sympathiser, although he reportedly did not seek to be a fighter. Majeed was tasked with procuring a firearm, ammunition and a moped that could be used in an attack when Hassane returned to the UK, while Hassane would be the gunman. Majeed sourced a converted Baikal pistol with a silencer and a magazine containing six rounds of ammunition from low-level street gang member Nyall Hamlett, who knew Majeed and Hassane via the Al Manaar Muslim Cultural Heritage Centre in

Ladbroke Grove (London), where he used to work as a cook. Hamlett, who converted to Islam while in prison, acquired the items from Nathan Cuffy, who was the custodian of five firearms and ammunition stored at his home. In September 2014 police raided Cuffy's home when Majeed and Hamlett were arranging the acquisition of the Baikal pistol and ammunition. Despite this disruption to the plot, Hassane returned to the UK in October 2014 and was reportedly monitoring Shepherd's Bush police station and/or a Territorial Army barracks in White City in London as potential sites for the attack. Hassane was picked up shortly after his return to the UK.

Hassane and Majeed were given life sentences for conspiracy to murder and preparation for acts of terrorism, with both given a minimum sentence of 21 years before first consideration for release on licence. Hamlett and Cuffy were acquitted on the charge of knowing about the plot to commit terrorist offences, but found guilty of transferring a prohibited firearm and ammunition. Hamlett was sentenced on one count to six years and six months in prison and on another to three years and three months, to be served concurrently. Cuffy was sentenced to a total of 14 years in prison for the intent to supply and possession of four other illegal firearms. One KII indicated that the intention to try Cuffy and Hamlett for terrorism offences sent a strong signal to USGs and OCGs of the risk of supplying illegal firearms that could be used for MFTAs to individuals.<sup>202</sup>

These two cases provide a very limited sample from which to draw general conclusions about the ability of jihadist terrorists to acquire illegal firearms in the UK. Both cases relate to firearms that are more readily available to USGs – antique and converted handguns – and not the semi-automatic or automatic firearms used in the MTFAs in Paris and Brussels. In terms of the source and method of acquisition, even though neither Hassane nor Majeed had the low-level street crime profile of Adebolajo and Adebowale, a contact in their community could source a handgun and ammunition. Assistant Commissioner Mark Rowley has noted that terrorist plotters who have sought but failed to acquire firearms have tended to turn to 'criminals in the communities they hail from. It will often be people involved in low-level organised crime or gang activity.'<sup>203</sup> Several KIIs noted the potential risk of low-level street criminals with access to antique or converted handguns being a source of supply for potential jihadists via a common third-party acquaintance in cities such as Birmingham, Bradford, Leeds or London.<sup>204</sup> The potential risk of a gang member converting to Islam and planning to commit an MTFA was a risk considered by KIIs, but at present it was felt that there was nominal crossover of individuals between criminal and jihadist terrorist communities, even when they are located in the same geographical area. Therefore, the key to disrupting jihadist plans is thought to

be to identify the potential linkages, usually third parties at the edge of these communities.

Several KIIs stated that for a long time the UK counter-terrorism community did not believe that OCGs would supply firearms to jihadist terrorists.<sup>205</sup> If it is assumed that there is no link, then it is unlikely that resources will be made available to disprove this assumption.<sup>206</sup> It was assumed that an OCG's 'code of honour' would prevent such interactions. However, several KIIs speculated that it was perhaps most likely that the supply of firearms was not a particularly lucrative aspect of an OCG's business, and the risk to business of knowingly supplying firearms to terrorists would result in too much unwanted attention and not be worth the risk. The two cases briefly discussed above do not necessarily disprove this assumption. Hamlett and Cuffy claimed that they did not know that the firearm being transferred to Hassane and Majeed would be used in a terrorist act. Furthermore, neither had access to semi-automatic or automatic firearms. Therefore, to date there is evidence of low-level street criminals overlapping with potential jihadist terrorists, or the potential for firearms transactions between the two groupings. UK counter-terrorist agencies also have evidence of links between gangs and jihadists.<sup>207</sup> One KII noted that would-be terrorists in the UK do seek to obtain firearms, but they often lack the connections to suitable criminal networks.<sup>208</sup>

One KII noted that there is evidence of imprisoned top-level criminals converting to Islam for better food and treatment and perhaps meeting individuals that are radicalised and seeing business opportunities.<sup>209</sup> Again, the case of Hamlett provides evidence of a criminal converting to Islam while in prison and acting as an intermediary between firearms custodians and jihadist terrorists, but Hamlett was not involved in an OCG or even in USG activity. One KII noted the concern that prison could be used to forge criminal associations between terrorists and potential illegal firearms suppliers.<sup>210</sup> NABIS analysis has also flagged the risk that although there is limited evidence to date of jihadist and organised criminals in UK prisons conducting firearms deals, such a risk exists.<sup>211</sup>

Another common link between both cases is the interest by at least one plotter in travelling to a conflict area in which a radical Islamist group is fighting: al-Shaabab in Somalia for Adebolajo and ISIS-controlled parts of Syria for Hassane. In this regard, back in 2012 there were concerns that more of the young men that left Somali street gangs in London and Sheffield to fight with al-Shabaab in Somalia could return to the UK with experience of handling firearms and planning attacks that they might use in an MTFA in the UK.<sup>212</sup> One KII contrasted this profile of foreign fighters with gang backgrounds with the profile for foreign fighters or sympathisers in Syria, such as Hassane. However, the arrest of Mustafa Abdullah after

his return from Syria in May 2014 could be noted here, because it was feared that he intended to plan an MTFA in the UK using firearms knowledge acquired fighting with jihadists in Syria.<sup>213</sup> Abdullah was not arrested for the possession of illegal firearms, but because of documentation that indicated that he planned to acquire a firearm for an MTFA and evidence that he had received training in the use of firearms with designated terrorist groups in Syria. Several KIIs noted the potential risk of foreign fighters returning to the UK and using the skills they had acquired to carry out terrorist attacks.<sup>214</sup>

### 3.3 Right-wing terrorist firearms attacks

The EU Terrorism Situation and Trend Report notes that while most right-wing extremist groups across Europe appear to favour the use of knives and bladed weapons, firearms and explosives are also used.<sup>215</sup> For example, during July-April 2013 a Ukrainian national committed four right-wing terrorist attacks in the West Midlands, including stabbing an elderly Muslim male to death and using three improvised explosive devices to attack mosques.<sup>216</sup>

The only right-wing terrorist firearms attack during the period 2011-2016 documented in this study was the assassination of Jo Cox, MP in the market town of Birstall in her West Yorkshire parliamentary constituency on 16 June 2016. Thomas Mair, a 53-year-old right-wing extremist, shot Cox twice in the head and once in the chest with a sawn-off Weirauch .22 hunting rifle and then stabbed her 15 times.<sup>217</sup> The hunting rifle had been stolen from a car in Keighly in West Yorkshire in August 2015, although it was not thought that Mair had stolen the rifle, nor cut the stock and barrel to reduce the overall length of the firearm to 12 inches.<sup>218</sup> Mair's case was dealt with as a terrorist case. On 23 November 2016 he was sentenced to a whole-life term of imprisonment, which means he will never be eligible for parole.<sup>219</sup>

## 4. Conclusions

Our analysis of the available information indicates that once they are in the UK, illegal firearms circulate among OCGs and USGs, with converted blank-firing pistols and antique handguns representing the most readily available firearms on the illicit market today, with evident demand for, and possibilities for sourcing, deactivated and reactivated firearms from Europe and the United States. One could argue that the acquisition and use of converted and antique firearms reflect the limited availability of and access to automatic firearms and lethal handguns in the UK. The way

in which UK policy and legislation are amended in light of evidence presented by police forces on new threats and trends of misuse and exploitation of loopholes has helped to ensure that UK firearms controls remain stringent. At the same time, the event-driven approach and the withdrawal of resources when firearms offences have been in decline for several consecutive years indicate the need for law enforcement agencies to remain vigilant and adequately resourced to ensure that low levels of illegal firearms acquisition, possession and use are maintained. The 'comprehensive' UK policing approach, addressing supply and demand, with a particular focus on working with at-risk groups of young people, also yields better results than a focus on the supply side alone.

To date, jihadist terrorist access to the illicit firearms market in England and Wales is limited. There is some evidence that there are risks of lower-level USG members having common acquaintances in their local communities with individuals susceptible to carrying out MFTAs, but the firearms that are currently accessible are converted or antique firearms. Nevertheless, there are heightened fears of the risk of an MFTA, and therefore resources have been assigned and mechanisms established to further restrict the flow of illegal arms into and within the UK due to the potential terrorist risk they constitute. Inter-agency cooperation mechanisms to address the illegal firearms market and terrorist access appear to be well placed to draw on the experience of dedicated 'gang and gun crime' units and the 'investigate the gun' approach of the NABIS network. Yet, KIIs also noted that too much stress on counter-terrorism could have a negative impact on the ability of police forces to address the daily negative impacts on the public caused by illegal firearms supply and circulation. Getting the balance right is clearly key.

UK sentencing for illegal firearms possession, use, transfer and distribution is already particularly stringent, signalling a low tolerance for such criminal activities in the country. The UK's surveillance and intelligence capabilities are also regarded as playing a critical role at all levels in addressing the threat of terrorist access to the country's illicit firearms market, and all the KIIs referred to the high level of vigilance focused on the threat posed by illegal firearms in the hands of USGs, OCGs and terrorists.

Based on our analysis, we can therefore conclude that the main obstacles and challenges facing UK national policy to address the illicit firearms market and terrorist access to it are those of:

- maintaining constant focus on the issue of illegal firearms and recognising that a decline in firearms offences does not mean that one can focus attention on another issue;

- ensuring the regulation of ‘responsible’ legal firearms possession and preventing the exploitation of loopholes and grey areas in the current legislation;
- better monitoring and understanding the potential risks of diversion from registered dealers and firearms holders who seek to illegally acquire, possess, and distribute ‘prohibited’ firearms and/or illegally produce ammunition;
- gathering intelligence on new methods for obtaining illegal firearms – e.g. the dark web and 3D printing – and how best to mitigate the risk of criminals and/or terrorists obtaining firearms via such sources;
- ensuring the provision of sufficient personnel resources and surveillance capabilities to address the illegal firearms market. KIIs contrasted the availability of such resources for counter-terrorism with the challenges of acquiring such resources to deal with OCG and USG possession, use and trafficking of illegal firearms;
- overcoming the fact that addressing illegal firearms smuggling is not the highest priority for agencies tasked with monitoring UK ports of entry, and that the relevant agencies – the UK Border Force and HRMC – are being asked to do more with limited resources; and
- overcoming the effect on the UK market of the fact that other countries have different deactivation standards, and that low-cost blank-firing and antique firearms are widely available in some European countries.

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# Illicit firearms circulation and the politics of upheaval in North Africa

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As a broad region, the whole of North Africa can be historically characterised by its porous national borders. Most state borders of North African countries are literally lines drawn in the sand in far-flung peripheral areas where policing and patrolling are difficult, while the legitimacy of central authorities is often contested.<sup>1</sup> Libya's borders, for example, have always been problematic, particularly in the remotest southern Saharan sub-regions. The capacity of states in the Sahel region to control their borders is quite limited: the rarefied and hostile desert environment is traditionally a space of circulation where the few official border-crossing points are easily bypassed by traditional smugglers and new types of traffickers. The past three decades have seen the gradual rise of trade in new illicit goods, including narcotics (e.g. cocaine) and counterfeit goods (e.g. medicines), compared to more traditional forms of smuggling based on tax avoidance and subsidised licit goods' price differentials. In this context, small arms and light weapons have featured as both a smuggled commodity and a key asset for smugglers, given the increasing risks facing the smuggling business and the need for protection along increasingly unsafe routes.

Although illicit commodities have always been a component of trans-Saharan informal trade,<sup>2</sup> recent developments in the region have altered both the structure of that trade and the nature of its participants.<sup>3</sup> The availability and circulation of weapons in the black market in North Africa was substantially changed by the Libyan revolution and the subsequent conflicts in that country. Weapons dynamics since then can be regarded as a driver of regional instability. Soon after the collapse of the Qaddafi regime in 2011, Libya was described as 'the Tesco [supermarket] of the world's illegal arms trade'.<sup>4</sup> According to the United Nations Security Council (UNSC) Panel of Experts (PoE) monitoring the arms embargo on Libya, arms,

ammunition and explosives from Libyan depots have been scattered across as many as 12 countries in the Maghreb, Sahel and Levant regions, and the Horn of Africa. While the bulk of this weaponry has flowed towards the Sahel and Egypt, there are also indications of transfers to the Gaza Strip and Syria.<sup>5</sup> During the research process for the SAFTE Project, several national key actors highlighted in interviews that some of these weapons will eventually also end up in the European Union (EU). In 2015 Europol publicly stated for the first time that firearms originating from the conflicts in Libya, Syria and Mali were available on the European black market, and that these countries may emerge as major sources of illegal firearms trafficked to the EU.<sup>6</sup>

### Box 1: Research design

When dealing with data on trafficking, above all on a sensitive topic such as firearms, one encounters significant capacity and disclosure problems in terms of the systematic collection and availability of official data. The lack of reliable statistics is such that it is extremely difficult – if not practically impossible – to provide an accurate and comprehensive appraisal of the illicit possession of and trade in firearms in North African countries. This affects the quality of data not only at the national level, but also in international databases. In this report, therefore, we attempt to make data available that allows ongoing dynamics and trends to be broadly identified.

The report offers a review and analysis of secondary sources mainly based on research carried out in the region by the UNSC PoE monitoring the arms embargo on Libya, researchers, and research organisations such as the Small Arms Survey and Conflict Armament Research. We also draw on data from two databases, the Norwegian Initiative on Small Arms Transfers (NISAT)<sup>7</sup> and the Armed Conflict Location and Event Data Project (ACLED),<sup>8</sup> as well as additional news sources and articles retrieved from social media. The NISAT database, run by the Peace Research Institute Oslo, offers a systematic collection of news articles on small arms. The database was explored using its geographical search function to locate articles dealing with five states – Algeria, Egypt, Libya, Morocco and Tunisia – and searches were further narrowed down to the thematic category ‘black market’ that included episodes of firearms smuggling and misuse in the period 2014-mid 2017. This choice was motivated by the abundant literature on Libya’s arsenals and the arms flows in the region in the period 2011-2013.<sup>9</sup>

This report provides an overview of up-to-date available information and data on illicit arms circulation in the broad region of North Africa. Geopolitically, the UN definition of North Africa includes seven countries or territories: Algeria, Egypt, Libya, Morocco, Sudan, Tunisia and Western Sahara.<sup>10</sup> However, in line with the EU's usual definition of North African countries as Europe's southern neighbours, this report will not focus on Sudan. Nonetheless, since arms recirculate from and to neighbouring countries, the report will touch on Sahelian countries when relevant.

## 1. Dynamics of firearms trafficking and proliferation

All the selected countries have severe laws regulating firearms possession. Generally speaking, the law does not guarantee the right to private gun ownership, and civilian possession is regulated through licensing systems and background checks on applicants. In Egypt and Tunisia, the applicant should also demonstrate a 'genuine reason' to hold a firearm. Civilian use of long guns is forbidden in Egypt.<sup>11</sup> In Libya, civilian gun ownership was entirely prohibited under Qaddafi,<sup>12</sup> and the selling or transfer of arms was prohibited. Despite gun ownership being illegal in Libya, in 2007 civilians owned nearly twice as many guns as the military and police: civilian firearms were numbered at about 900,000, military firearms at 535,200 and police firearms at 22,000.<sup>13</sup> In 2010, estimated civilian gun possession rates in North Africa ranged from Africa's lowest in Tunisia (0.1 firearms per 100 people) to one of Africa's highest in Libya (15.5). The remainder range from 3.5 per 100 people in Egypt to 7.6 in Algeria – excluding Western Sahara, for which no figures are available.<sup>14</sup> An important observation is that most of the firearms in circulation originate from outside the region: Egypt is the only known manufacturer of small arms in the region (it was categorised as a medium-sized small arms producer in 2001)<sup>15</sup>, while Algeria only manufactures ammunition. Libya, Morocco and Tunisia have no arms industries, while in Libya it is prohibited by law to produce arms.<sup>16</sup>

Interestingly, the proliferation and circulation patterns of weapons vary widely across North African countries. Each country features diverse dynamics mainly due to its geopolitical position and heterogeneous monopoly of force in each country, as well as the role of the army and government expenditure on firearms. In Egypt and Libya, the political and security situation remains unstable and volatile, with various armed groups in play and a consequent demand for weapons. The upswing of fighting in Libya in 2014 is still under way at the time of this writing,



with a multitude of armed groups active in various coalitions, an internationally recognised government that is unable to exert control beyond a small part of the capital city, and the attempt of General Khalifa Haftar's 'Libyan National Army' to acquire larger territorial control in the south (Fezzan) and west of the country, after 'reconquering' the east (Cyrenaica). In Egypt, Islamist militants and security forces continued to clash in the Sinai, while new armed groups appeared in 2016. In Tunisia, despite targeted political assassinations and armed clashes between violent extremists and security forces, the use of firearms has remained relatively low even after the revolution of 2011. Morocco and Algeria are both among the largest importers of arms in Africa. While Morocco does not report significant violent episodes or seizures of firearms, Algerian authorities regularly report on the numerous arms seizures and counter-terrorism operations in the country, especially along its borders with Libya, Mali and Niger. In Western Sahara, the Polisario Front maintains active armed forces and has a surplus of weaponry.<sup>17</sup> Morocco has a heavy military presence in Western Sahara, but the area is not impervious to smuggling activities and small-arms trafficking.<sup>18</sup>

In recent years the civilian possession of firearms has increased significantly in some countries, mainly due to this unstable and volatile political and security situation. Determining how many weapons entered circulation after Qaddafi's fall is a very difficult exercise. The UN has estimated that Qaddafi's army was in control of 250,000 to 700,000 weapons as of 2011, of which 70-80% were assault rifles.<sup>19</sup> According to British intelligence, more than one million tons of weapons were looted after Qaddafi fell.<sup>20</sup> And while the international community has made efforts to check the proliferation of weapons from post-Qaddafi Libya, those efforts are primarily focused on certain types of weapons, e.g. chemical weapons and man-portable air defence systems; less attention was (and still is) devoted to the proliferation of small arms. In the aftermath of 2011, Libyan authorities have implemented voluntary firearms surrender schemes and weapons seizure programmes in order to reduce the number of illicit firearms in circulation. Several small-scale civilian disarmament initiatives were launched in 2012, but with limited results, and the authorities have been slow to introduce control measures for civilian weapons ownership.<sup>21</sup> Instead of a decline, there has been an alarming increase in the level of new weapons in the country.<sup>22</sup>

As a general trend in illicit firearms markets, some of the weapons that reach terrorists and criminal organisations are produced by illegal manufacturers, but most firearms are diverted from legal production and at some point were leaked into the illegal market. Licit firearms can be diverted during transportation; by leakage from factories, government stockpiles or individual owners; trafficked from abroad; or converted to illicit, lethal-purpose firearms through reactivation, modification

or conversion. North Africa is no exception to this rule, and the dispersal of arms from Libyan government stockpiles after 2011 confirms this. Furthermore, armed conflicts have contributed to the creation of a vast arms market across the region fuelled by the circulation of recycled arms used in previous conflicts in the state concerned or in neighbouring countries, the provision of state-sponsored supplies to proxies, or strategic caches of arms stored in anticipation of conflict.

According to the 2017 UNSC PoE report, after 2011 arms were also supplied through the breaking of the UN arms embargo – among others, from Qatar via Tunisia, from the United Arab Emirates (UAE), and through an arms delivery from Italy ‘that had originated from the Balkans’.<sup>23</sup> A 2016 fieldwork-based report by Conflict Armament Research finds that stockpiles in Mali and Côte d’Ivoire have also nurtured illicit markets: *“Illicit weapon flows in the Sahel since 2011 have not stemmed exclusively, or even predominantly, from Libyan sources. The profile of illicit weapons in the region reflects the consequences of other state crises, particularly in Mali, and of weak control over national stockpiles in the Central African Republic and Cote d’Ivoire. The prevalence of Ivorian-origin small arms across the region is a particularly unexpected finding of this investigation. Weapons originating in Libyan stockpiles or trafficked by Libyan armed groups remain significant, but they are diminishing and, in some cases, being reversed”*.<sup>24</sup>

Notwithstanding this finding, we can still conclude that the effects of arms proliferation from Libya have been the most significant in the region in the immediate post-2011 period. These weapons were obtained directly from Qaddafi-era stockpiles, captured from Islamic State of Iraq and Syria (ISIS) forces in Sirte, and seized or purchased from local ethnic militias or smugglers.<sup>25</sup>

In the following sections we will analyse the illicit firearms markets and proliferation dynamics in the various North African countries.

## 1.1 Libya

Libya under Muammar Qaddafi was a centre of weapons proliferation for more than forty years, while amassing in its depots one of the largest and most diverse conventional weapons stockpiles of any African country. Before 2011 weapons ownership had been severely restricted, with only certain groups close to the authorities permitted to own weapons. Throughout this period Libya was characterised by highly regulated informal trade concentrated in the hands of cartels that enjoyed the tacit support of the regimes on both sides of the border, be they in Tunisia, Egypt or Libya itself.<sup>26</sup> Under the Qaddafi regime the illicit economy was largely state

sponsored, and trafficking and smuggling remained largely in the hands of groups favoured by the regime. By selecting the participants in the arms trade, the regime was able to use continued participation as a guarantee of loyalty.<sup>27</sup> The regime used state subsidies to keep tribes dependent and too 'weak' to mobilise. For example, around the southern city of Sabha, in the Fezzan, on the route to Niger and Chad, the cartels of the Awlad Suleiman, Qadhadhfa, and Warfalla dominated. In contrast to these tribes, those who did not enjoy favoured status with the Qaddafi regime were marginalised, e.g. the Zuwari and Zintan on the Tunisian border, and the Tubu in the Fezzan. The pre-2011 Tunisian autocracy allowed the cartels to engage in large-scale informal trading with Libya in return for their pledge not to smuggle weapons or drugs, as well as to support the Tunisian government with their networks of informants.<sup>28</sup>

From a virtually non-existent domestic market in Libya, the revolution and its aftermath paved the way for a large illicit trade in firearms to emerge in North Africa, with Libya as its epicentre. The 2014 UNSC PoE report states that a number of shops that openly sold small arms had been set up in several cities since the revolution. In the large Libyan cities, including Tripoli, a number of open-air markets are currently selling firearms. In Tripoli, for example, the Souk el Hout (fish market) on Al Rashid Street is well known for merchants who offer a range of firearms.<sup>29</sup>

The proliferation and availability of weapons during different phases of the revolution gradually involved new and diverse armed actors. A general three-stage trend across Libya through which arms availability shaped the insurgency can be identified:

1. the formation of armed actors, which generally took place in the context of a relative weapons shortage;
2. the development of increased coordination and cohesion, as weapons became more available to well-connected brigade commanders; and
3. increasing fractionalisation and splintering, as weapons started to become available to individual insurgents in the field.<sup>30</sup>

The significant case of Misrata shows how the fighting units began as small groups of uncoordinated street fighters and developed into organisations with tanks and heavy artillery. In 2012 the city contained nearly half the experienced fighters and weapons caches in Libya,<sup>31</sup> with important contacts with Turkey and the Muslim Brotherhood.

### 1.1.1 Libya 2011-2013: a 'Tesco' for arms?

After the 2011 revolution non-state actors looted numerous military storage facilities of a wide range of weapons,<sup>32</sup> many of which found their way into the domestic and international black markets.<sup>33</sup> Qaddafi's fall directly caused the explosive growth of arms smuggling in recent years through a combination of the increased availability of large numbers of weapons from the regime's stockpiles, the decreased formal and informal control of contraband flows, the emergence of (tribal) armed groups as dominant actors in trafficking networks, and the cross-border connections of actors fleeing post-Qaddafi Libya. The Fezzan region is probably the part of Libya where the most drastic changes to trafficking flows have been observed. Over the past few years the city of Sabha and surrounds have become an arms-trafficking hub, as both a point of collection and distribution. Sabha's importance in the weapons trade began with the end of the initial stage of armed conflict in 2011 due to its proximity to large military facilities from where arms were stolen. The Tubu gained control of the borders and started to feed surplus weapons into contraband routes through Kufra (south-eastern Libya) and Dongola (Sudan) to northern Egypt, the Sinai Peninsula or Yemen. The old routes that followed the traditional patterns of Tubu tribal alliances re-emerged.<sup>34</sup> There are also strong regional connections between the Tubu and Zaghawa from Chad and Darfur.<sup>35</sup>

Arms trafficking to the south-west displays a similar dynamic. According to the 2013 UNSC PoE report, *"the western borders of Libya, from Tunisia in the north to Niger in the south, were the focus points for illicit trafficking from Libya quite early on in the uprising, with Algeria reporting its first seizure of weapons coming from Libya in April 2011"*.<sup>36</sup>

Trafficking to Tunisia was limited, at least compared to other destinations such as Egypt or Mali, due to lower demand (resulting from lower levels of criminal and political violence) and Tunisian government attempts to prevent trafficking. More weapons were reported to have been seized in Algeria, since it lies on a direct route between Libya and Mali.<sup>37</sup>

According to the 2013 UNSC PoE report, in 2011-2012 large-scale transfers of arms were also sent from Libya to Syria by sea or air through Turkey. In 2015 the PoE reported that 'While the Syrian Arab Republic was a significant destination for Libyan arms during the first two years of the conflict that trend appears to have faded in the past 12 to 24 months'.<sup>38</sup> A year later the PoE stated that it had 'found no information relating to recent transfers'.<sup>39</sup>

Until August 2014 the import of large quantities of materiel was subject to the notification process in the exception framework included in the embargo, including more than 60,000 handguns, 65,000 assault rifles, 15,000 sub-machine guns and 4,000 machine guns of various calibres, as well as more than 60 million rounds of ammunition for small arms and machine guns. However, in the absence of any post-delivery notification system, with the procurement of materiel by authorities outside official military procurement channels, and the attraction of the Libyan market to arms brokers of dubious legality, it is difficult to assess how much notified materiel has actually been transferred to Libya and to which final user.<sup>40</sup> The UNSC PoE has reason to believe that most transfers to Libya since the revolution, in particular of small arms and light weapons and related ammunition, whether notified or not, have ended up with armed groups, either through direct transfers or diversions. Approved materiel transferred for the EU Border Assistance Mission was also diverted at airports controlled by brigades.<sup>41</sup> For instance, from the end of the revolution to 24 August 2014 Tripoli International Airport was controlled by Zintani brigades, and there were cases of deliveries from Belarus being diverted.<sup>42</sup>

### 1.1.2 Circular trafficking, 2014-2016

Libya's status as an important player and route for the illicit trade in small arms and light weapons has been recently reconsidered. While weapons continue to proliferate across North Africa, outflows from Libya have diminished since 2014. According to the last available UNSC PoE report (2017), *"arms have continued to be illicitly transferred to and from Libya on a regular basis. While outflows have continued to be moderate, consisting mainly of small arms and light weapons, materiel entering Libya has been of an increasingly sophisticated nature"*.<sup>43</sup>

The decrease in weapons flowing from Libya to other countries in the region is mainly the result of two factors. Firstly, domestic demand (and the economic means to pay for it) has increased as a result of the increased fighting. In 2014-2016 the violence was partly due to clashes between the Tuareg and Tubu for the control of Ubari and Ghat.<sup>44</sup> In addition, the ACLED database indicates that important parts of the violent events between 2014-2016 are connected to ISIS and Ansar al-Shaaria, while a number of other political militias were also involved in a significant number of incidents.<sup>45</sup> Another development that is worth noting is that by 2016 urban clashes among militias in Libya escalated to exchanges using heavy weapons.<sup>46</sup> Secondly, the success of a number of international initiatives to tackle arms trafficking affected the flow of weapons, as well as improved interdiction efforts on traditional transit routes, particularly in Chad and along the Nigerien and Algerian

borders.<sup>47</sup> More specifically, since 2014 the French-led Operation Barkhane has been blocking the transfer of weapons and terrorists, coupled with G5 Sahel initiatives to strengthen cross-border patrolling.<sup>48</sup>

As Shaw and Mangan note, the proliferation of illicit arms has transformed all other criminal markets, and weapons and protection have become a feature of the smuggling trade: *“As violence increases, so does the criminal market for arms and for protection, perpetuating a cycle that is becoming an entrenched feature of the political debate. The pervasive presence of weapons has combined with the absence of state control to ensure the growth of the protection market for legitimate trade as well as for illicit activities. Because weapons are available to all groups, the facilitation of movement of any kind of goods with value requires ensuring a transaction either with those who can ensure safety by providing the necessary firepower or with those who control specific areas and can thus ensure safe passage. Providing protection has thus become key to regulating both the criminal market and the broader Libyan economy”*.<sup>49</sup>

In its initial phases, the development of the arms trade in Libya was marked by violent struggles between armed groups associated with the Awlad Suleiman and Tubu tribes over control of informal trade routes and urban markets. The Tubu groups were largely successful, resuming control over the tribe's past trafficking networks in the south of the country and isolating the Awlad Suleiman. They are involved in the profound reconfiguration of tribal trafficking networks in the Fezzan, which shares borders with Algeria, Niger, Chad and Sudan.<sup>50</sup> The Zintani brigade controlled most of the Libya's western border until the summer of 2014, while the Awled Ali tribe gained control of Libya's eastern border with Egypt.

According to the 2017 UNSC PoE report, the arms trade in Libya has become an important source of income for various armed groups, and active arms trading has been reported at markets in Zintan, Misrata, Ajdabiya and Waw. The materiel offered includes heavier and more sophisticated systems. For example, in Libya a functioning Milan anti-tank system, including four missiles, is available for US\$9,000 (€7,500). In some cases fighters and arms are offered together.<sup>51</sup> Interestingly, a recent Small Arms Survey study has indicated that local arms trading is also organised through virtual, online markets, highlighting their use by armed groups and their members.<sup>52</sup> In April 2016 Facebook closed six accounts that had been used for arms sales in Libya.<sup>53</sup> The UNSC PoE also continues to observe weapons being offered for sale on Libyan Facebook sites,<sup>54</sup> and its monitoring of social media indicates that *“arms dealers within Libya continue to use online markets to sell and/or acquire material such as RPG launchers, recoilless rifles, anti-tank guided missile systems, heavy machine guns (12.7 mm and 14.5 mm), and man-portable*

*air-defence systems (MANPADS). Among the weapons for sale on a Libyan Facebook page there were also two Zastava Arms M-93 'Black Arrow' anti-materiel rifles".<sup>55</sup>*

These rifles were likely diverted from a notified Serbian shipment of imported weapons.<sup>56</sup>

There are also a few indications of arms supplies being sent from Italy to Libya in exchange for Libyan artefacts in 2016.<sup>57</sup> The EUNAVFOR MED Operation Sophia, which has been active since 2015, has, among other things, the additional task of implementing the arms embargo off the coast of Libya, and it has thus placed surveillance boats off the cities of Derna and Sirte. In general, weapons appear not be trafficked on this route, with the exception of the seizures of 'several types of weapons, including Machine Guns, AK47 rifles, RPG bullets, RPG launchers, [and] mortar grenades' in international waters in May 2017.<sup>58</sup>

## 1.2 Tunisia

Tunisia is a peripheral market for small arms and light weapons. Firearms trafficking currently exists in the form of small-scale smuggling in the Tunisian-Libyan border region, notably the Jefara, and in particular the two official border crossings at Ras Jdir in the north and Dehiba to the south in the Nafusa Mountains. In 2011 firearms also arrived in Tunisia with refugees from Libya, in particular members of forces loyal to Qaddafi, who sold their possessions, including Kalashnikovs, when they arrived in the country.<sup>59</sup>

The end of the Libyan armed conflict had a dramatic impact on informal trade and trafficking in the Jefara. Demand increased on both sides of the border, especially for basic foodstuffs, as traders sought to maximise profit. As the 2013 UNSC PoE report suggests, firearms circulation in the Ben Gardane region (near the Libyan border) may be characterised as an 'ant trade': traffickers conceal single items in their other goods, but do not attempt to smuggle larger quantities of weapons. However, there have been exceptions. The discovery of an arms cache in Medenine in 2013, for instance, highlighted the attempts of a few violent groups and jihadists to smuggle firearms and explosives in modest quantities (about one pick-up load) through the Ben Gardane border region.<sup>60</sup> However, most of recent reported trafficking incidents at the border reflected the ant-trade dynamic, with only a few arms seized from individuals crossing the Tunisian border.<sup>61</sup>

According to Kartas, 'there is only one main route for smuggling small arms and light weapons into Tunisia without the complicity of the Tunisian traffickers,

namely through the oueds (dry river beds) that wind through the eastern Tunisian Sahara'.<sup>62</sup> River beds offer terrain that can be crossed by vehicles and a route free of the checkpoints in the centre of the country. The routes are challenging and long, and thus there are no established 'contraband structures', and only well-trained groups with sufficient capital resources – such as *khatibas* (battalions) linked to al-Qaeda in the Islamic Maghreb (AQIM) or other violent organisations – are able to navigate them. It seems far more likely that weapons are transported from Libya directly to Algeria, where they eventually find their way into Tunisia over the smuggling paths in the mountains.<sup>63</sup> In 2012-2015 there was a strong AQIM presence in western Tunisia in the Chaambi Mountains area on the border with Algeria, and many weapons were circulating, coming from both Mali (according to some, from the former *khatiba* of Abou Zeid), and from Libya.<sup>64</sup> The insecurity and terrorist threats that have plagued Libya since 2013 have compelled Tunisia to tighten its historical 'open door' policy toward its neighbour.<sup>65</sup> While Tunisia has increased security cooperation with Algeria, it is still difficult to identify cooperation counterparts in Libya, since the security sector is weak and brigades are running most border control activities.

Terrorists and self-proclaimed 'jihadi salafists' are believed to be the groups most likely to seek firearms in Tunisia.<sup>66</sup> Tunisian authorities identified two main trends that are not mutually exclusive: seizures from those involved in trafficking for profit, for which several people have been prosecuted; and those from individuals or groups associated with terrorism. Most of the latter are Tunisian nationals, although cases involving Algerians and Libyans are under investigation.<sup>67</sup> Smuggling operations have also been tied to Algeria-based violent extremist networks, such as AQIM, that have infiltrated the country. Among the perpetrators of violent attacks are Soldiers of the Caliphate, Ansar al-Shaaria, the Okba Ibn Nafaa Brigade and allegedly ISIS affiliates.

In 2016, following a major attack on police stations and national guard outposts, as well as an ISIS attack on a military camp in Ben Gardane in March, the Tunisian security forces seized a considerable number of weapons and, as a result of the ensuing investigations, located over six arms caches in the wider region of Ben Gardane. In May 2016 the security forces found a cache of weapons and ammunition in the town of Ben Gardane (20 km from the Libyan border) containing 130 machine guns and 29 AK-pattern assault rifles; and in November 2016 four caches were found in the same area containing 50 guns, including 27 Kalashnikov assault rifles and dozens of missiles.<sup>68</sup> Among the arms seized in March 2016 after the attack in Ben Gardane and among those smuggled into the country from Libya, the 2017 UNSC PoE report identified a series of over-under shotguns produced by Torun Silah Sanayi, a Turkish company.<sup>69</sup> Following the PoE's enquiry to Turkish



authorities, Torun Silah Sanayi claims to have sold the shotguns to the ‘Yassine Middle East Company’, a shotgun reseller in Beirut. According to the Turkish authorities, the customs declaration states that these shotguns were loaded onto the vessel *Haddad I*, which was intercepted by the Greek coastguard in September 2015 and the materiel on board seized.<sup>70</sup> However, the serial numbers documented by the PoE in Tunisia do not seem to match the packing lists provided by Torun Silah Sanayi through the Turkish authorities. The PoE concluded that it seems unlikely that the shotguns were transferred to Libya after they had been seized by Greece on board the *Haddad I*.<sup>71</sup>

### 1.3 Algeria

The Algerian Ministry of Defence (MoD) provides regular news updates and figures on arms seizures and counter-terrorist operations.<sup>72</sup> Each month it publishes in its magazine *El Djeich* (the army) an overview of the materiel seized in the previous month. The total seizures in Algeria in 2016 and the first half of 2017 are shown in Tables 1 and 2. According to the 2017 UNSC PoE report, it is probable that a large share was smuggled from Libya in violation of the embargo. It is worth noting that the PoE reviewed Algerian reports of seizures, but could not physically inspect the materiel.

Our analysis of Algerian MoD official press notes<sup>73</sup> indicated that seizures mostly occur in the south of the country: Tamanrasset, on the border with Niger; Bordj Badji Mokhtar, bordering Mali; and In Amenas, on the border with Libya. Some seizures are also reported on the northern coast, i.e. at Aïn Defla, Tipaza and Bouira. Since the attack in In Amenas in January 2013, Algeria has greatly strengthened military patrols of the desert.<sup>74</sup> Besides Libyan-sourced materiel, Algerian small arms ammunition – specifically, 7.62 x 39 mm and 7.62 x 54R mm cartridges produced at the Entreprise des Réalisations Industrielles de Seriana in 1999, 2007 and 2009 – have been found in use by both the National Army and armed groups in northern Mali.<sup>75</sup>

**Table 1: Seizures in Algeria, 2016**

Firearms	
Kalashnikov automatic rifles	668
FMPK machine guns	48
Mortars	37
Hunting rifles	82
Semi-automatic rifles with telescopic sight	35
Shotguns	26
Simonov semi-automatic rifles	64
RPG-7 rocket propelled grenade	18
RPK machine guns	16
Machine guns 12.7 mm	13
Machine guns 14.5 mm	7
Repeating rifle	36
PKT machine guns	9
PSH machine guns	2
Dictariov machine guns	5
M16 machine guns	1
MAT44 machine guns	4
3-cannons rocket launcher	1
Strela rocket launcher	1
RPG-5 rocket propelled grenade	5
RPG-2 rocket launcher	2
Anti-aircraft missile	6
Artisanal hand-crafted rifles	56
Automatic pistols of various types	35
RPD machine gun	1
MAT-49 machine gun	1
MAS-36 rifles	3
Grenades	792

Source: UNSC Panel of Experts (2017, annex 47)

**Table 2: Seizures in Algeria, 1st semester 2016**

Arms	
Grad missiles	2
Mortars	6
RPG-7 rocket propelled grenade	3
RPG-2 rocket propelled grenade	3
SPG-9 cannons	2
Machine guns 14.5 mm	7
Machine guns 12.7 mm	6
FMPK machine guns	12
PKT machine guns	4
Kalashnikov automatic rifles	167
RPK machine guns	5
Simonov semi-automatic rifles	26
MAT-49 machine guns	1
MAS-39 rifles	2
Dictariov machine guns	4
Automatic pistols	15
Sniper rifles	3
Shotguns	1
Hunting rifles	46
Repeating rifles	15
Artisanal hand-crafted rifles	3

Source: El Djeich n.648, July 2017

According to Algerian authorities, petty criminals, terrorists and criminal networks carry out trafficking.<sup>76</sup> In our analysis of news sources, the subjects involved in seizures are often unidentified 'smugglers' or 'terrorists'. In terms of active armed groups, in 2016 AQIM, Soldiers of the Caliphate (Jund al-Khilafa), and Islamist militias were involved in violent incidents, mostly attacks on security forces. While AQIM has been active in Algeria since the 1990s, with attacks peaking in 2010-2013, the Soldiers of the Caliphate armed group has been active more recently, since 2014. In previous years there were a few violent incidents involving the Mouvement pour l'unicité et le jihad en Afrique de l'Ouest (MUJAO), the Polisario Front and Ansar Dine.<sup>77</sup>

## 1.4 Egypt

Widespread firearm ownership and smuggling by Bedouin through Sinai to Gaza and Israel has been reported for many years, but it intensified and involved Libyan weapons after 2011. After the fall of President Mubarak, police stations were reported to be empty in Sinai and their weapons looted.<sup>78</sup> Those involved in the conflict in Sinai could also have access to the copious arms being trafficked to Gaza via Rafah, the Egyptian town at the border. The smugglers avoided detection by transporting weapons through unpopulated desert areas, and Egypt's western border, which was already being used for drug smuggling, became a trafficking hub for weapons, including heavy weapons such as large-calibre anti-aircraft guns and rocket-propelled grenades (RPGs).

In 2011-2012 the Rafah border crossing point was crucial for the smuggling routes between Sinai and Gaza.<sup>79</sup> In February 2013, and then again in 2015, Egypt flooded tunnels used to smuggle goods under the border to Gaza.<sup>80</sup> The 2014 UNSC PoE report stated that arms transfers from Libya to Gaza occurred, but 'the shipments had slowed with an increased effort by Egypt to track and seize weapons'. This is also due to the better border control by General Haftar's self-established government in eastern Libya, and the fact that Libya's eastern border with Egypt is also blocked by a 380 km minefield running south from Musaid, with transfers likely being moved further southward through the desert into Egypt or by sea, rather than through the minefields.<sup>81</sup>

Interestingly, a Small Arms Survey's analysis of some of the weapons featured in the publications of the Hasm Movement in Egypt indicates that the group possibly uses Kalashnikov-pattern rifles that are likely of Albanian or Chinese origin. Other weapons used by both Hasm and Liwaa al-Thawra include standard-issue Egyptian rifles probably looted from government forces after successful attacks. Overall, the weapons used by both groups do not appear to differ much from those used by the group Revolutionary Punishment before them.<sup>82</sup>

## 1.5 Mali and Niger

Since before Qaddafi's fall the primary transit route of weapons and armed groups between Libya and northern Mali has historically run along the Algerian and Nigerien borders. This route then crosses western Niger, entering Mali around the Niger-Mali-Burkina Faso tri-border area. Tuareg fighters and civilians in particular have used this route to move between Ubari and Sebha in southern Libya, and to the Kidal region of northern Mali.<sup>83</sup> Numerous Tuareg who had migrated to Libya before

2011 and fought in Libyan armed groups under Qaddafi returned to Mali at the end of 2011 and the beginning of 2012 with large numbers of weapons, which resulted in a decrease in local prices and widespread access to firearms.<sup>84</sup>

According to Conflict Armament Research interviews with Tuareg members of both loyalist and separatist armed groups, transit through this route has become more difficult due to increased surveillance and seizures by international forces. The 2015 UNSC PoE report states that most of the arms from Libya ‘destined for terrorist groups in Mali [were] seized or destroyed on several occasions in 2014 in Niger by the French-led Opération Barkhane’.<sup>85</sup> Similarly, the 2016 UNSC PoE report states that ‘transfers of arms from Libya to Mali and the Niger have decreased in intensity thanks in large part to Operation Barkhane though seizures continued’.<sup>86</sup> It seems that the French intervention to prevent trafficking also prompted traffickers transporting combatants, weapons, and other supplies to use smaller convoys that are harder to detect.<sup>87</sup> However, many have kept their firearms, and caches are often discovered in the region.

As regards Niger, in 2011-2012 Tuareg brought weapons into the country, notably former rebels who had found refuge under Qaddafi since 2009. When they returned to Niger they were disarmed and co-opted by the regime, which made them mayors or presidential counsellors.

According to Pellerin, now weapons are allegedly smuggled into Niger by Tubu smugglers from Libya or members of Arab tribes with ties to that country. The smugglers are said to import the weapons as a sideline to their main smuggling business. For example, a Tubu smuggler whose business was second-hand vehicles was also said to be offering new AK-pattern rifles for sale that were sold with three or four ammunition clips per weapon.<sup>88</sup> According to the UNSC PoE 2017 report, the Nigerien authorities reported a reduction in the scale of weapons trafficking from Libya in 2017<sup>89</sup> and commented that some Tubu groups are a link between ISIS and Boko Haram in Nigeria, and control most of the supply route from Libya to Diffa in south-east Niger.

In 2017 the UNSC PoE received repeated reports from within the Tuareg community in Mali of arms transfers from Ansar el Haqq (headed by Mohammed Ingtallah and based in Awbari in south-west Libya) to Ansar Dine in Mali. The deliveries allegedly consist of light weapons, such as Zastava M80 assault rifles, anti-tank weapons and explosives. The operations are supposedly coordinated by Ingtallah’s son.<sup>90</sup>

## 1.6 Morocco and Western Sahara

According to our analysis of press articles, there are only a few cases of arms seizures in Morocco/Western Sahara, and they point to ISIS affiliates. Less than 50 violent incidents<sup>91</sup> were reported by ACLED in the period 2010-2016, involving MUJAO, AQIM, al-Qaeda and the Polisario Front.

The ceasefire negotiated by the UN and accepted by Morocco and the Polisario Front in 1991 is still in force, despite a number of occasional minor violations on both sides. Due to the support of certain states, notably Algeria and Libya, the Polisario Front was equipped with a relatively large arsenal, and this has been expanded further with weapons seized from the Moroccan Army. The movement has now enough weapons of its own to be able to sell some and to supply the regional market. In the absence of a settlement of the conflict in Western Sahara, the Polisario Front has kept most of its weapons, and the months that followed the 1991 ceasefire saw hundreds of Polisario fighters cross the border to sell their excess weapons in Mauritania. According to an official Mauritanian source, the Polisario Front represents one of the leading suppliers of illegal weapons to Mauritania.<sup>92</sup> In the north of Mauritania, cross-border trafficking of Soviet-type weapons with Western Sahara operates in both directions: automatic weapons (Kalashnikovs, Simonovs and G3s) enter Mauritania illegally from Western Sahara, while weapons such as Mausers and MAS-36s travel in the opposite direction.<sup>93</sup> In 2017 the Mauritanian government reported actions against all types of smuggling in its northern regions.

## 2. Availability and prices of firearms

Information on types of arms can be inferred by analysing recent seizures. While several organisations, including the 2017 UNSC PoE, have documented firearms seizures in various countries in the region, the lack of access to seizure data in other countries makes it difficult to keep track of the origins and types of the firearms available in the region. In general, we can conclude that for reasons of training, ammunition availability and habit, Warsaw Pact weaponry continues to be preferred two decades after the end of the Cold War. Consequently, most of the assault rifles detected across North African countries are of the Kalashnikov variety. Firearms from Libya seized in Tunisia, for example, have mostly identified AK-47 and AK 103-2 self-loading rifles from Russia (delivered to Libya in 2005 and 2008).<sup>94</sup> Kalashnikov-type firearms are also the most commonly seized type in Algeria (see Tables 2 and 3). Arms from the Balkans were also identified in Libya in late 2011 and in 2013, i.e. AR-M9 rifles manufactured by Arsenal (a Bulgarian arms

manufacturer) and originally exported from Bulgaria to the UAE before ending up in Libya.<sup>95</sup> Today, though, newer weapons are also of Chinese manufacture.

In 2014 the UNSC PoE report concluded that handguns and related ammunition are still the weapon of choice in Libya, costing between 2,000 and 5,000 Libyan dinars. The PoE stated that 'Importing such materiel is therefore a lucrative business and seizures bound for Libya made in 2013 clearly reflect that trend'.<sup>96</sup> Pistols come from a great variety of sources, including modern commercial varieties of Taurus and Beretta pistols.<sup>97</sup> Interestingly, pistols generally tend to be seized in much smaller batches than long arms. In addition, shotguns and hunting rifles are also in high demand in Libya and neighbouring countries for self-defence purposes.

An interesting observation is the availability of Turkish-made replica handguns in Libya and the region at large. Since 2013 Libyan markets are replete with these weapons (in many cases blank-firing 6 mm to 9 mm versions), some of which are converted to lethal-purpose firearms.<sup>98</sup> These weapons have become quite popular in Libya for self-defence purposes because they are very cheap and can be easily (though at some risk) modified to fire live ammunition.<sup>99</sup> The 2014 UNSC PoE report attributed their popularity to their cheap prices: 'Blank-firing pistols are also very popular in Libya, particularly in urban areas, where they are sold on the streets for 150 Libyan dinars'.<sup>100</sup> Interestingly, there does not appear to be a standard conversion method for these blank-firing handguns and the conversion process is often carried out by individual traders seeking to maximise profits. Occasionally small groups are also involved in the conversion process.<sup>101</sup>

The availability of converted blank-firing guns is not limited to Libya; these guns are traded throughout the region. Considerable quantities of these guns have also been seized in Egypt. The principal entry point for these types of firearms is the port of Misrata, from where they are sent to the markets and warehouses of Sebha, where traders and armed groups sort and prepare them for further distribution. This form of collection and distribution has been one of the factors making Sebha a regional hub for small arms and light weapons.<sup>102</sup> In Niger, the two most popular weapons are self-loading AK-pattern rifles and converted blank-firing handguns mostly from Turkey and known locally as 'Turkiya'.<sup>103</sup>

A 2016 Conflict Armament Research report indicates that, in addition to commonly documented legacy weapons that have been circulating for decades, new types of weapons were in use among Islamist armed groups in the southern Sahel.<sup>104</sup>

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<sup>1</sup> Until the summer of 2014, however, the main types of small arms and light weapons consisted of assault rifles, machine guns and RPGs, as well as all kinds of ammunition.

Iraqi-origin assault rifles and Chinese rifles. This suggests linkages between ISIS fighters' sources of supply in West Africa and the Middle East, since these groups "used a common set of small arms unlike any previously documented in the sub-region. These include Iraqi-origin assault rifles and a batch of Chinese rifles manufactured in 2011 whose serial numbers interleave with matching rifles that Syrian Kurdish People's Protection Units (YPG) seized from IS[IS] fighters in Syria in 2015. These findings indicate that the Islamist groups responsible for the Sahelian attacks have a common source of supply or constitute a single cell, and point tentatively to possible links or commonalities of supply sources between Islamist fighters in West Africa and those operating in Iraq and Syria".<sup>105</sup>

Little research has been done on the prices of the various types of firearms that are available across North Africa. The most comprehensive analysis of firearms prices in the region was published in 2017 and was focused on Libya. Table 3 gives an overview of the average asking price of small arms and light weapons. This study concluded that 'throughout all Libyan regions, pricing seemed to remain standard despite minor outliers (likely from package deals, items in high demand, or insincere offers both high and low)'.<sup>106</sup>

### 3. Conclusions

Revolution and descent into civil conflict in Libya are key drivers of weapons circulation and instability in North Africa. While remaining a supermarket for arms along smuggling channels that have reached various groups from the western Sahel to the Middle East, drastically altering the supply of such weapons, Libya has de facto also acted as a sponge, and since 2015 has been creating new demand, 'reabsorbing' weapons for its internal conflict. Since 2014, outflows from Libya have also diminished due to international initiatives to tackle arms trafficking in North Africa and the Sahel. As for illicit flows to EU countries, the EUNAVFOR MED Operation Sophia monitors arms flows off the coast of Libya across the Mediterranean Sea. Despite large numbers of people being smuggled from Libya into Europe, significant flows of arms from Libya across the Mediterranean have not been detected.

Weapons' circulation patterns vary widely across countries, mainly due to the varied nature of the monopoly of force held by governments in the region. On the one hand, one finds effective government monopolies of force that are intent on fighting terrorist cells in urban or remote areas of the region (i.e. in Algeria, Morocco and Tunisia); while, on the other hand, one finds a situation like that in Libya, where force is scattered among different actors (city states, militias, tribal



coalitions, jihadist groups, etc.) and where legality is virtually absent and political legitimacy is also territorially disrupted. Finally, Egypt lies somewhere between these two extremes, with a military regime fighting in an actual war zone (i.e. the Sinai Peninsula), but also facing urban terrorist attacks.

The role of light weapons has long been underestimated; even in the Libyan case, external observers have been hoping that their extreme diffusion would entail a 'diffused deterrence effect'. This has not been the case: the pervasive presence of weapons has constituted the political capital of armed groups providing protection and extracting resources that has allowed them to play a political role in their own right in a complex mosaic of shifting alliances and territorial depredation. Libyan armed groups still engage in arms trafficking both within the country and across its borders, but arms trafficking is mostly embedded in regional and local networks and conflict economies.<sup>107</sup> In the absence of the capacity to properly manage fire-arms and ammunition, the risk of diversion also remains a major concern for national and international security agencies.

**Table 3: Libaya – Dataset pricing data**

Weapon	Historical pricing data			Average dataset pricing
	2012	2013	2014	Mid-Nov. 2014–mid-Nov. 2015
AK-type rifle	(No data)	LYD 1, 1,100–1,300 LYD 1, 1,020–1,200	LYD 1,070–1,240	LYD 1,820 (112 examples)
AK-103 rifle	(No data)	LYD 1,700	LYD 1,500 LYD 1,400	LYD 1,840 (30)
FAL-type rifle	USD 500–800	LYD 2,050–2,130	LYD 2,070–2,730	LYD 3970
F2000 rifle	(No data)	(No data)	LYD 9,930	LYD 15,500 (3)
Browning HI-Power handgun	USD 2,400–3,200	(No data)	LYD 3,970	LYD 6,000 (17)
USP-handgun	(No data)	(No data)	LYD 5,000–6,000	LYD 7,300 (2)
SA vz. 61 Škorpion sub-machine gun	(No data)	LYD 1, 2,500	(No data)	LYD 2,010 (5)
RPG-7-type recoilless weapon	(No data)	LYD 1,020	LYD 2,000	LYD 6,500 (3)
7.62 x 54R mm	LYD 0.50	(No data)	(No data)	LYD 2.80 (6)
7.62 x 51 mm	LYD 0.50	(No data)	(No data)	LYD 2.70 (11)
7.62 x 39 mm	LYD 0.25	(No data)	LYD 1	LYD 1.80 (15)
7.62 x 45 mm	LYD 8+	(No data)	(No data)	LYD 6.20 (4)
9 x 19 mm	LYD 8	(No data)	(No data)	LYD 5.10 (14)

Source: Jenzen-Jones &amp; McCollum (2017)

## ENDNOTES

- 1 Browne E. (2013) Border insecurity in North Africa, GSDRC Helpdesk Research Report 945, Birmingham, UK: GSDRC, University of Birmingham.
- 2 There is a significant literature on “border economies” and illicit trafficking in North Africa and across the Saharan. Until the middle of the first decade of the 21st century, states in the North-African region did exert control on the flow of arms, but control could never be considered absolute (Scheele J. 2011 “Circulations Marchandes Au Sahara: Entre Licite et Illicite”. *Hérodote*, n. 142, pp. 143-162; Cole 2013 “Borderline Chaos? Stabilizing Libya’s Periphery”. In *Perilous Desert. Insecurity in the Sahara*, edited by F. Wehrey and A. Boukhars: 35–59. Washington DC: Carnegie Endowment for International Peace).
- 3 On changing patterns of formation of armed groups according to weapons’ availability in Libya in 2011 see also Strazzari F., and S. Tholens (2014) *Tesco for Terrorists Reconsidered: Arms and Conflict Dynamics in Libya and in the Sahara-Sahel Region*, *European Journal on Criminal Policy and Research*, February,
- 4 Drury I. (2013) “Don’t turn Syria into a ‘Tesco for terrorists’ like Libya, Generals tell Cameron”, *Daily Mail*, June 17.
- 5 United Nations Security Council (UNSC) 2013 Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011), S/2013/99 of 9 March 2013, p. 5-12; Marsh N. (2017) Brothers came back with weapons. The effects of arms proliferation from Libya, *PRISM* 6, n. 4, pp. 79-96.
- 6 Europol (2015), *Exploring tomorrow’s organised crime*, 41.
- 7 NISAT database: <http://nisat.prio.org>, accessed 13/09/2017.
- 8 ACLED database: <https://www.acleddata.com/data/>, accessed 22/09/2017.
- 9 Among others, Marsh 2017; Strazzari F. (2014) Libyan arms and regional instability, *The International Spectator*, vol. 49 n. 3, pp. 54-68; Strazzari and Tholens 2014; Shaw M. and F. Mangan (2014) *Illicit trafficking and Libya’s transition*, *Peaceworks*, n. 96, United States Institute of Peace; Small Arms Survey, SANA (Security Assessment in North Africa) project publications.
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- 12 Libya’s 2010 UN Programme of Action (PoA) report states that small arms and light weapons could not be possessed by civilians without authorization, and that such permits would only be granted to members of the armed forces, police officers, judicial officials, and prosecutors (Libya report, 2010), <http://www.poa-iss.org/NationalReport/NationalReports.aspx>, accessed 27/09/2017.
- 13 Small Arms Survey (2007) *Small Arms Survey 2007. Guns and the city*, Cambridge University Press.

- 14 Alpers P., and W. Marcus (2014) Guns in North Africa: Small arms policy, firearm injury and gun law. Sydney School of Public Health, The University of Sydney, <http://www.gun-policy.org/firearms/region/north-africa>, accessed 30 August 2017.
- 15 Small Arms Survey (2001) 'Ranking of World's Small Arms Producers (By Sales)', in Small Arms Survey 2001: Profiling the Problem, Oxford: Oxford University Press, 1 July.
- 16 See National Reports of selected countries under the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA), <http://www.poa-iss.org/NationalReport/NationalReports.aspx>, accessed 26/09/2017.
- 17 Pézard S., and Glatz A-K. (2010) Arms in and around Mauritania. National and regional security implications, Occasional paper n. 24, Geneva: Small Arms Survey, p. 48.
- 18 Boukhars A. (2012) Simmering discontent in Western Sahara, Carnegie paper, Washington DC: Carnegie Endowment for International Peace, p. 8; Peduzzi J.L. (2010) Physionomie et enjeux des trafics dans la bande sahélo- saharienne, Le Maghreb dans son environnement régional et International, Paris, IFRI.
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- 20 Drury 2013.
- 21 UNSC 2013, p. 13.
- 22 The UN-mandated Panel of Experts, also stated that, despite the UN embargo, arms were exported to Libyan revolutionary forces from Qatar, UAE, France, Albania and Sudan, among others. UNSC 2014; and UNSC (2015) Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011), S/2015/ of 23 February 2015. Anders H. (2015) Expanding arsenals. Insurgent arms in Northern Mali, p. 175, in Small Arms Survey Yearbook 2015. Weapons and the world, Cambridge University Press, pp. 174-180.
- 23 UNSC (2017) Report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011), S/2017/466 of 1 June 2017. The UN Security Council continues to investigate the deliveries of arms during the revolution (feb-sep 2011).
- 24 Conflict Armament Research (CAR) 2016, Investigating Libya cross-border transfers to the Sahel, November, London: Conflict Armament Research, p. 7.
- 25 CAR 2016.
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- 28 Kartas 2013.
- 29 Jenzen-Jones and Mc Collum 2017, p. 25.
- 30 Strazzari, Tholens 2014.
- 31 For a detailed analysis of armed groups in Misrata see Mc Quinn B. (2012) After the fall. Libya's evolving armed groups, Working Paper n. 12, Geneva: Small Arms Survey.
- 32 Including rocket-propelled grenades, recoilless rifles, multiple-launch rocket systems, surface-to-air missiles, man-portable air defence systems, anti-tank guided missile

- systems and modern assault rifles. UNSC (2013) Small arms – Report of the Secretary General, S/2013/503, 22 August. See also Anders H. (2015) Expanding arsenals. Insurgent arms in Northern Mali, p. 175, in Small Arms Survey Yearbook 2015. Weapons and the world, Cambridge University Press, pp. 174-180.
- 33 Jenzen-Jones N.R., and I. McCollum (2017) Web trafficking. Analysing the online trade of small arms and light weapons in Libya, Security assessment in North Africa, Working paper n. 26, Geneva: Small Arms Survey.
  - 34 Anders H. (2015) Expanding arsenals. Insurgent arms in Northern Mali, p. 175, in Small Arms Survey Yearbook 2015. Weapons and the world, Cambridge University Press, pp. 174-180.
  - 35 See Tubiana J. and C. Gramizzi (2017) Tubu Trouble: State and Statelessness in the Chad–Sudan–Libya Triangle, HSBA working paper n. 43, Geneva: Small Arms Survey.
  - 36 UNSC 2013, p. 25.
  - 37 Marsh 2017, p. 85.
  - 38 UNSC 2015, p. 48.
  - 39 UNSC (2016) Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011), S/2016/209 of 4 March 2016, p. 40.
  - 40 UNSC 2015, p. 29.
  - 41 UNSC 2015, p. 28.
  - 42 UNSC 2015, p. 32.
  - 43 UNSC 2017, p. 22.
  - 44 Wehrey F. (2017) Insecurity and governance challenges in Southern Libya, March, Washington D. C.: Carnegie Endowment for International Peace.
  - 45 Actors involved in at least 20 violent events.
  - 46 Among other news' sources: Reuters (2017) Tripoli armed factions take over rival's compound in heavy fighting, 15 March, <https://www.reuters.com/article/us-libya-security-tripoli/tripoli-armed-factions-take-over-rivals-compound-in-heavy-fighting-idUSKBN16M1NY>.
  - 47 CAR 2016; Marsh 2017.
  - 48 French Ministry of Foreign Affairs, *Dossier de presse Operation Barkhane*, July 2017, <http://www.defense.gouv.fr/operations/operations/sahel/dossier-de-presentation-de-l-operation-barkhane/operation-barkhane>, accessed 19/09/2017.
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  - 50 Kartas M., Strazzari F. and R. Tabib (2015) The Libyan arsenal and trafficking dynamics, Small Arms Survey Yearbook 2015. Weapons and the world, Cambridge University Press.
  - 51 UNSC 2017, p. 64.
  - 52 Jenzen-Jones N.R., and I. McCollum (2017) Web trafficking. Analysing the online trade of small arms and light weapons in Libya. Security assessment in North Africa, Working paper n. 26, Geneva: Small Arms Survey.
  - 53 UNSC 2017, p. 141.
  - 54 UNSC 2017, p. 64.
  - 55 UNSC 2017, p. 141; Jenzen-Jones N.R., and I. McCollum (2017) Web trafficking. Analysing the online trade of small arms and light weapons in Libya. Security assessment in North Africa, Working paper n. 26, Geneva: Small Arms Survey, p. 7.

- 56 In 2015 Serbia had confirmed to the UNSC PoE the delivery of 25 M93 anti-materiel rifles to the Libyan Ministry of Defence for the amount of US\$126,250, after an exemption notification to the committee.
- 57 An investigative report on the Italian newspaper *La Stampa* reported that two Italian organized-crime rings were accused of trading in weapons with ISIS fighters for illegally pilfered artefacts from Libya. Nadeau B.L (2016) Italian Mob Trades Weapons for Looted Art From ISIS in Libya, *The Daily Beast*.
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- 59 Kartas 2013, pp. 24-25.
- 60 Kartas (2013, pp. 28-31) provides a list of events of seizures of arms from Libya by Tunisian security forces and main incidents involving firearms, from 2011 until August 2013.
- 61 Authors' elaboration on NISAT articles' database on Tunisia.
- 62 Kartas 2013, p. 45.
- 63 Kartas 2013, p. 48.
- 64 Further details in International Crisis Group (2013) *Tunisia's borders: Jihadism and Contraband*, Report n. 148, November 28; and International Crisis Group (2014) *Tunisia's Borders (II): Terrorism and Regional Polarisation*, Briefing n. 41, October 21.
- 65 Tunisia and Libya introduced free movement of persons across their borders in 1988. Tunisia closed its borders with Libya for the first time after 28 years following the 24 November 2015 attack against the presidential guard on Avenue Mohamed V in Tunis. Since then, however, there have been other border closures due to terrorist attacks. After an ISIS-linked gunman attacked a Tunisian tourist resort in June 2015, the Tunisian government announced that it would construct a barricade at the Libya border. That structure, completed in February 2016, stretches some 200 kilometres inland from the coast, covering almost half the length of the 460 kilometres boundary. Broomfield M. (2016) Tunisia builds anti-jihadi barrier on border with Libya to keep Isis out. *The Independent*, 8 February.
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- 67 UNSC 2014, p. 28.
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- 69 UNSC 2017, p. 49.
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- 71 UNSC 2017, p. 49.
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## Illicit firearms proliferation in the EU periphery: the case of Ukraine

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As the second-largest country in Europe, with a history of firearms stockpiles and an active conflict zone, Ukraine presents one of the most complex firearms proliferation cases in Europe. The barrier for access to firearms in Ukraine is low, creating easy access in both the licit and illicit spheres. It is impossible to estimate the current number of illegally held firearms in Ukraine in a reliable and detailed way. Yet experts agree that this number is very high and significantly surpasses the number of legally held firearms in the country. The Small Arms Survey estimates that Ukraine is currently home to around 2 million registered and at least 2 to 3 million unregistered firearms. The Ukrainian Ministry of the Interior affirmed the presence of 3-4 million guns in the illicit sphere, while others have spoken of up to 5 million illegal weapons in the country.<sup>1</sup> While difficult to quantify, the armed conflict in the Donbass and the persistence of hostilities have clearly exacerbated the state's already tenuous control over firearms and accelerated illicit weapons flows in the country.

Uncertainty as to the scale of illicit firearms proliferation is exacerbated by the lack of a comprehensive legal framework for legal firearms possession in Ukraine. Since the collapse of the Soviet Union there has been no primary law regulating the circulation of firearms in Ukraine's civilian sphere. This legal vacuum was filled with a main bylaw issued by the Ministry of the Interior and a series of other bylaws.<sup>2</sup> Under this kind of fragmented regulation, many grey areas remain within licit firearms supply chains that not only facilitate illicit circulation, but also make for unclear lines around legal and illegal ownership. One of the major loopholes in Ukraine's firearms control regime relates to the acquisition of firearms components. Until recently this remained completely unregulated.<sup>3</sup> In addition, permits for firearms can be easily forged, as was the case when a Chinese national in Odessa pretended to be a member of the Ukrainian armed forces in an attempt to access



firearms.<sup>4</sup> Compounding these issues is the lack of central registries for civilian firearms at both the national and regional levels.<sup>5</sup>

While much of the firearms trafficking in Ukraine currently takes place within its borders, fears of criminal cross-border smuggling and of terrorists accessing weapons from Ukraine to commit terrorist attacks in the European Union (EU) were fanned in 2016 when a 25-year-old French national, Grégoire Moutaux, was arrested for trying to bring five Kalashnikov-type assault rifles, 5,000 bullets, two anti-tank grenade launchers, detonators, and 125 kg of TNT across the Polish border. According to Ukrainian officials, Moutaux was planning to carry out 15 attacks on synagogues, mosques, public buildings, and key infrastructure just before and during the European football championship a couple of months later.

### Box 1: Research design

Data underpinning this study were gathered from open sources. Press releases from Ukraine's leading law enforcement organisations, the Security Service of Ukraine (SBU) and State Border Guard Service of Ukraine (DPSU), provide the bulk of primary source data. Press releases retrieved from these sources were structured in a dataset that allowed for a qualitative analysis of trafficking sources, the number of firearms seized, the types of firearms seized, trafficking routes, prices and the actors involved.

SBU press releases were published on two websites, [www.sbu.gov.ua](http://www.sbu.gov.ua) and [www.ssu.gov.ua](http://www.ssu.gov.ua), the former containing data until the end of 2015, and the latter containing data for 2016 and 2017. The two websites were merged in late July 2017 and the majority of press releases appearing on the older website were deleted. For this reason, several links that we consulted during our data collection activities are no longer accessible. They are nonetheless cited in the text, since these data were included in the dataset.

Because arms seizures can play a political role in how institutions want to be perceived, we supplemented our analysis with press reports and investigative pieces. Ukrainian- and Russian-language sources were prioritised when possible. This provides a more holistic picture of firearms trafficking in Ukraine rather than linking analysis to official data alone. Sources such as Armament Research Services, the Small Arms Survey and the Norwegian Initiative on Small Arms Transfers (NISAT) provided some background for analysis. For reasons of quality and scale, we were unable to map a dataset of firearms seizures by local and regional law enforcement agencies.

This chapter analyses the main characteristics of Ukraine's illicit firearms market and the dynamics shaping it. The study is based on the collection and analysis of publicly available seizure data and an analysis of secondary literature (see Box 1). In the following sections we will analyse more specifically the sources of illicit firearms proliferation, the various trafficking routes and dynamics, and the various actors involved in these activities. We will start, however, with a concise description of the analysis of the available seizure data.

## 1. Seizure data

Data on weapon seizures traditionally constitute one of the most relevant and accurate indicators to measure the levels of illicit arms flows. Despite a number of significant data limitations, we were able to identify 514 cases of seizures of small arms and light weapons between 2014 and the first half of 2017 on the basis of the publicly available official data from the SBU and DPSU and the NISAT database (see Box 1). In total, 3,771 small arms and light weapons were seized in these cases (see Table 1).

SBU press releases were accessible for 2014-2017. Although we need to interpret these data with the necessary caution, a strong increase in seized firearms can be observed in the first half of 2017. In this period more firearms were seized than in the whole of 2016. Yet it remains unclear to what extent this would suggest an increase in illicit flows or an increase in efforts to control arms proliferation. It is also important to note that one single case detected by SBU forces strongly affected the amount of ammunition seized in 2014. On 24 April of that year the authorities seized 1 million rounds of small-calibre ammunition during a search of the warehouses of a weapons-importing company based in Kyiv.<sup>6</sup> The seizures reported by the DPSU are scarce and partial, but coincide with the information contained in the NISAT database, which suggests a low number of illicit cross-border flows of firearms.<sup>7</sup> Furthermore, it should be borne in mind that the Ukrainian context is characterised by fluidity in terms of territorial control and border porosity, especially those areas in the eastern parts of the country under the control of the Donetskaya Narodnaya Respublika (DNR) and Luganskaya Narodnaya Respublika (LNR).<sup>8</sup> It is interesting to observe that our analysis based on the data collected for this chapter resembles the recent finding of the Small Arms Survey that between 2013 and 2016, 770 cases of seizures were identified that included 1,600 small arms, 1.5 million small arms cartridges, 5,000 hand grenades, 20 man-portable air defence systems, and 900 rocket-propelled grenade launchers (RPGs).<sup>9</sup> In addition, on the basis of

official data from the Office of the Prosecutor General of Ukraine, the Small Arms Survey observed annual seizures of firearms ranging from 1,000 to 2,500 small arms and light weapons in 2014-2017.

**Table 1: Small arms, light weapons and ammunition seized, 2014-June 2017 (514 cases)**

Source/year	Small arms	Light weapons	Ammunition (rounds)
<b>SBU</b>	<b>1,993</b>	<b>1,042</b>	<b>1,660,893</b>
2014	1,229	97	1,084,668
2015	263	454	199,303
2016	221	177	161,411
First half of 2017	280	314	215,511
<b>DPSU</b>	<b>56</b>	<b>6</b>	<b>1,278</b>
2014	51	6	1,228
2015	–	–	–
2016	5	–	50
First half of 2017	–	–	–
<b>NISAT</b>	<b>557</b>	<b>117</b>	<b>55,610</b>
2014	431	25	22,156
2015	65	38	21,089
2016	61	54	12,365
First half of 2017	–	–	–
<b>Totals</b>	<b>2,606</b>	<b>1,165</b>	<b>1,717,781</b>

Our data analysis further indicates that the predominant types of small arms that can be acquired on the illicit market in Ukraine are self-loading pistols, rifles and assault rifles. The most common types are Makarov and Tokarev pistols, AK-pattern assault rifles (in particular the AK-47, AKM, AKMS and AK-74U variants), and Dragunov sniper rifles. Older small arms such as Mauser rifles, Walther pistols, PPS sub-machine guns, SKS semi-automatic carbines and Mosin-Nagant rifles are also present. Although fewer in number, light machine guns are frequently seized by the authorities. Weapons in this class include the RPK, RPK-74 and PKM. They are often seized together with heavier items, such as anti-tank weapons and explosives.

When looking at the data collected, it is immediately clear that levels of illicit firearms seizures (that were made public) are not uniformly spread across the country (see Figure 1). Differences are to be found between regions, both in terms of quantity and accessibility. Significant concentrations of firearms are located in the so-called Anti-Terrorist Operation (ATO) zone:<sup>10</sup> firearms seizures were unsurprisingly largest in the Donetsk and Luhansk oblasts, where fighting has been the most intense. The ATO zone constitutes a major source of illicit flows for the rest of the country. Illicit weapons are widespread along the Black Sea, Sea of Azov, and regions adjacent to the ATO zone. Outside of the Donbass, firearms seizures were most common in the Dnipropetrovsk and Kyiv oblasts. While the hostilities that have swept the Donbass in recent years have significantly increased firearms trafficking, it is important to note that in western Ukraine political activism and extreme right-wing movements historically proliferated, which corresponds to pronounced levels of firearms ownership, according to some observers.<sup>11</sup>

**Figure 1: Concentration of firearm seizure cases by location**



Source: Nations Online Project, adaptation by the authors.

## 2. Sources of illicit firearms proliferation

In the following subsections we will give an overview of the different types of sources of proliferation that can be identified in Ukraine, with the exception of the cross-border smuggling of firearms. This last source will be included in the description of the various trafficking routes to and from Ukraine in the final section of this chapter.

### 2.1 Historical legacy of surplus weapons

A significant number of the illegally held firearms that are currently in circulation in Ukraine can be traced back to the armed conflicts that Ukraine experienced in the 20th century. Between the First and Second World War the area that constitutes present-day Ukraine was swept by several armed conflicts. Eastern Galicia was the theatre of the Polish-Ukrainian war fought in 1918 and 1919 following the First World War. In the same years the rest of the country was experiencing a civil conflict that later led to the formation of the Ukrainian Soviet Socialist Republic (SSR) in 1922. Two decades later the fragmented configuration of the country re-emerged once again with the outbreak and unfolding of the Second World War. Many of the weapons used during these armed conflicts remained stored in arms stockpiles after the Soviet revolution and became obsolete after the introduction of the AK assault rifle.<sup>12</sup>

Weapons originating from the conflicts experienced by the country in the first half of the 20th century have also traditionally been stored in households.<sup>13</sup> Insurgents taking part in the 1917-1922 civil war and earlier revolts regularly buried their weapons so that they could dig them up if the rebellion were reignited. In the aftermath of the 2014 Euromaidan demonstrations the process re-emerged of weapons being held legally or illegally by the civilian population in both pro-government and separatist ranks.<sup>14</sup>

Another important historical element that partially explains the high levels of illegal firearms in the country is the fact that the Ukrainian SSR was home to huge military stockpiles and troop deployments. As part of the Soviet Union, Ukraine was critical to the Warsaw Pact's military-industrial complex and defence apparatus.<sup>15</sup> With the dissolution of the Soviet Union, Ukraine inherited 1,810 defence enterprises with a total workforce of 2.7 million employees, which amounted to 30% of the Soviet Union's defence industry.<sup>16</sup> In the stratified Soviet military strategy, the country formed the third defence echelon of the former Warsaw Pact states

in the event of war.<sup>17</sup> Part of this historical tradition has remained: Ukraine is currently still home to several small arms and light weapons manufacturers.<sup>18</sup>

## 2.2 State stockpile capture

Leakage and capture from state arms depots has been a recurrent problem across the former Soviet Union, and particularly in Ukraine. It is important to highlight that during the dismantling of the Warsaw Pact, Soviet troops deployed in Eastern Europe left 2.5 million tons of conventional munitions and more than 7 million rifles, pistols, mortars and machine guns in Ukraine when they withdrew.<sup>19</sup> The subsequent downsizing of the Ukrainian military apparatus created an even larger surplus of firearms. In recent decades many of these weapons have been diverted into the hands of various types of non-state actors as a result of criminal activities or the recent armed conflict in the country. The political upheaval that Ukraine has experienced since 2014 has clearly exacerbated these dynamics. Arms captured from state stockpiles during the first phases of the conflict in the so-called ATO zone represented a crucial source of supply for separatist formations.<sup>20</sup>

Leakages occur in a variety of ways. Small-scale thefts of firearms stored in state warehouses and embezzlement by state officials constitute two of these ways. In May 2016, for example, a small group of armed criminals were caught breaking into military stockpiles, where they were planning to steal weapons and explosives.<sup>21</sup> Much attention has been given to the significant numbers of thefts of firearms that belong to the armed forces. Yet leakages from army depots do not represent the only source of diversion from state stockpiles: leakages from SBU and Ministry of Internal Affairs stockpiles have also been recorded.<sup>22</sup> For example, in February 2014 SBU officers discovered firearms that had been stolen from an SBU office in Ivano-Frankivsk oblast and hidden in a Kyiv park.<sup>23</sup> Similarly, on 6 May 2014 a tramway driver informed the SBU of a suspicious package in a tram. Nine Makarov pistols and some magazines were discovered in the package; investigations revealed that the weapons had been stolen in February from the Ministry of Internal Affairs in the Lviv region.<sup>24</sup>

In other cases, separatist fighters have claimed that some of their weapons had been purchased from sympathetic or corrupt Ukrainian forces officials.<sup>25</sup> A number of these accusations have been corroborated. In July 2016 Ukraine's defence minister, Stepan Poltorak, was dismissed after the deputy commander of the 53rd Mechanised Brigade was detained after being accused of trading in ammunition.<sup>26</sup> The commander was subsequently prosecuted for having allegedly sold more than 5,000 rounds of ammunition.<sup>27</sup> The embezzlement of firearms and their

subsequent trafficking by members of the security services appear in the SBU database, but are generally limited to members who trafficked weapons to pro-Russian factions, such as the May 2014 case of a former SBU officer moving 120 firearms and 21,798 rounds of ammunition to mainland Ukraine from Crimea.<sup>28</sup> The small-scale embezzlement of firearms by current or former state officials very rarely appears in the database.

### 2.3 Political transfers to non-state actors

After the Euromaidan protests and the Crimea crisis, various militias formed across Ukraine as defenders of Ukraine's revolution. Perceived corruption and mismanagement in Ukraine's armed forces, as well as the fear of imminent armed conflict, provided a fertile environment for the formation of independent armed groups. These groups – which often labelled themselves 'battalions' – emerged parallel to state structures, and were only subordinated to state structures after they had amassed considerable influence and firepower. Some militias were given the status of territorial self-defence units, while others were put under the command of the Interior Ministry or Ministry of Defence, which acknowledged the military effectiveness of these groups. The various militias appeared on social media wearing body armour and carrying military firearms, while some militias had the backing of regional politicians and businessmen.<sup>29</sup>

Despite extensive reporting on the financial and political support<sup>30</sup> given to Ukraine's various militias, open sources are generally unclear about the exact origin of their military firearms. Several of these pro-Kyiv militias took older model rifles into battle with them.<sup>31</sup> These were often very old weapons: various videos have appeared from the ATO front lines showing fighters using rifles from the Second World War. These fighters have very happily shown off their weapons to Ukrainian TV.<sup>32</sup> Whether the rifles came from civilian stockpiles or were simply found abandoned is currently unknown. It is important to highlight that several examples have been uncovered of Ukrainian units sharing weapons with right-wing militias<sup>33</sup> during training; the militias then post pictures online of their members holding military weapons. These and other items are also traded and sold among the various armed factions operating in Ukraine. This can occur between allied factions, or across the lines of control.

## 2.4 Craft production and firearms conversion in the criminal underworld

Craft production and the conversion of replica firearms to lethal weapons can be considered significant sources of illicit arms, especially for criminal milieus rather than conflict-affected areas. This is in part due to weak regulation of civilian arms possession in Ukraine, as the Small Arms Survey has illustrated.<sup>34</sup> In criminal milieus the craft production of weapons has represented a consistent source of illicit firearms.<sup>35</sup> In the 1990s and 2000s a special role had apparently been played by Chechen criminals based in Ukraine who have replicated some of the craft-produced models commonly manufactured in the Chechen criminal underworld.<sup>36</sup> In recent years, several workshops have also been discovered that specialise in assembling firearms from parts and components. For instance, a criminal detected and arrested by the SBU in September 2016 manufactured pen pistols in his house. According to the SBU, he worked on demand and produced limited batches that he distributed only to a reliable clientele through a middle man,<sup>37</sup> producing the weapons in the back room of his house.

Conversion activities are predominantly carried out outside the ATO zone. Yet in recent years some conversion workshops have also been discovered in the conflict-affected areas. Conversion workshops in Ukraine are mainly established by single individuals or very small groups who primarily produce weapons for criminal networks or single individuals interested in carrying out criminal activities. Although there are not enough data on the profile of clients, given the types of weapons most commonly converted or manufactured in illicit workshops (mainly pistols, revolvers and rifles),<sup>38</sup> it is plausible that petty criminals are the primary pool of customers for converted weapons. Some of these converted firearms have also ended up in the ATO zone, however. An SBU press release, for example, reported the arrest of a 42-year-old man who converted arms and sold them to various regions of Ukraine, including Donetsk, Luhansk and Crimea.<sup>39</sup>

## 3. Actors

### 3.1 Organised criminal groups

The leading players in Ukraine's organised crime underworld vary by city and by region. The dynamics are opaque and often only become evident when a power vacuum arises<sup>40</sup> or when the police raid meetings of criminal kingpins.<sup>41</sup> Cities like Kyiv have a different criminal milieu<sup>42</sup> to that of Odessa, which has a different



criminal milieu to those of Kharkiv or Lviv, making it almost impossible for outside observers to obtain a clear picture of the situation in the country as a whole. These crime syndicates raise revenue from a variety of sources. For example, a group that trafficks women to Turkey may also be involved in trafficking cigarettes, but not in trafficking firearms, while in turn a group elsewhere in the country may be involved in trafficking women and firearms, but not cigarettes. Sometimes, of course, a syndicate may be involved in all three types of trafficking.<sup>43</sup>

Understanding the role of organised crime syndicates in trafficking firearms is a complex process, because Ukraine has seen isolated cases of huge illicit transfers. In these cases a number of high-level state officials have facilitated massive arms flows to embargoed third parties, often states under international embargo. The most prominent case was that of the MV *Faina*, a Ukrainian cargo ship<sup>44</sup> that was caught trafficking tanks, artillery and AKM assault rifles to Sudan<sup>45</sup> after it was captured by pirates.<sup>46</sup> The infrastructure required for operations of this scale is beyond the capability of most criminal gangs and organised crime groups.

### 3.2 Individuals and loosely structured networks

The proliferation of firearms in Ukraine has unsurprisingly made access to them easier for civilians. When confronted by the authorities, some will justify their illicit possession of firearms by claiming they simply found them abandoned somewhere,<sup>47</sup> such as in a forest. In order to deal with this phenomenon, the SBU and other law enforcement agencies organise voluntary surrender periods twice a year. When one of these amnesty periods was held in Kyiv, 400 firearms were handed over to the authorities.<sup>48</sup> Alternately, rather than voluntarily surrendering weapons and ammunition to the authorities, citizens may either keep them for themselves or attempt to sell them. Due to corruption and mismanagement throughout the country, firearms trafficking can serve as an attractive source of income for those with the opportunity to do so.

It is usually assumed that mafia-like criminal organisations are the main perpetrators of arms trafficking. However, according to the available data, most of the groups involved in arms trafficking are not as hierarchically structured as one might think. Frequently, networks are formed by several individuals working together, in person or remotely. These groups constitute highly flexible, loosely and horizontally structured networks. These connections may be established through personal networks, familial or other social bonds, needs, and the capacity to access arms. If individuals are not embedded in social networks that include militia

members, criminal groups or others interested in acquiring firearms, these attempts at entrepreneurship will often fail.

Cases of firearms trafficking by individuals without connections to organised crime groups are quite numerous. Often these firearms are trafficked from the ATO zone to other parts of Ukraine. In April 2015, for example, the SBU seized firearms and explosives that had been taken from the ATO zone. In this case, locals had been trying to sell RPGs, light machine guns, smooth-bore rifles and hunting carbines that had come into their possession.<sup>49</sup> Another example from 2015 was when a person living in an oblast west of Kyiv was caught planning to sell a silenced Kalashnikov rifle and armour-piercing rounds for \$2,000. The activist had planned to supply the weapons through contacts in the ATO zone.<sup>50</sup> A very similar case that led to the discovery of such a network occurred at the Kyiv Central Station in May 2017, when an individual was arrested and six foreign-produced carbines and a fake licence to carry a firearm were seized. The individual acted alone and created his own network of clients by linking locations where firearms were more available (in particular in the ATO) and places with lower availability, but higher demand.

### 3.3 Conflict actors

The above-mentioned examples demonstrate that the recent armed conflict in Ukraine has clearly facilitated access to firearms in the country and significantly increased trafficking opportunities. There are concerns that some pro-Ukraine militias operating in the ATO, for example, have been selling equipment. Unfortunately, for research purposes many of these allegations come from Russian-based outlets and are difficult to confirm. That said, evidence in the database shows examples of light weapons being seized from territorial defence units, as noted earlier when weapons were taken from a territorial defence unit based in Kyiv.<sup>51</sup> Militias supporting the Kyiv government are resourceful and able to access firearms when they want or need to. One volunteer battalion in particular was caught by the Main Directorate for Fighting Organised Crime, National Police, and DPSU hoarding a 'record amount' of stolen weapons and explosives.<sup>52</sup>

The Russian government has also been accused of providing a wide range of arms, munitions and armoured vehicles to separatist fighters.<sup>53</sup> Some of these accusations have proved to be demonstrably false, while the veracity of others remains uncertain.<sup>54</sup> Yet it is important to remember that the independent researchers at Armament Research Services (ARES) found that existing stockpiles were the most important source of weapons in insurgents' hands.<sup>55</sup> It is difficult to confirm Russian support in the form of weapons supplies to parties to the conflict, given the

similarities between weaponry in Ukrainian stockpiles and the arsenals of former Soviet countries, and due to a lack of reliable information – which can often assume extremely different meanings depending on the source that releases it. ARES found that it is likely that separatist forces received some level of support from one or more external parties. Such weaponry would have likely included small arms and light weapons.

## 4. Trafficking routes

In general terms, the trafficking routes of illicit firearms do not necessarily represent linear movements from point A to point B, but rather follow more complex and fragmented trajectories that can only be partially traced by law enforcement. Data reported by the SBU and other state agencies are partial, depict only a small portion of trafficking patterns, and frequently do not indicate the intended final destination of the firearms. Despite these caveats, several main trajectories can be identified. In this section we will distinguish among (1) *intra-Ukraine trafficking*, where firearms are trafficked between different cities and oblasts in Ukraine; (2) *regional trafficking* to and from neighbouring countries and other countries in the broader region such as Russia, Belarus, Moldova, Georgia, Turkey and the former Yugoslavia; and (3) *trafficking to and from EU member states*. It is important to stress that our analysis has indicated that information on transnational movements of firearms is considerably less than that on intra-Ukraine trafficking. This suggests that the relative ease with which firearms are available in Ukraine allows entrepreneurial individuals and networks to traffic firearms without becoming involved in the acquisition and transport of other traditionally illicit goods.

### 4.1 Intra-Ukraine trafficking

Intra-Ukraine firearms trafficking often involves illicit movements to and especially from the ATO zone. Examples of firearms moving out of the ATO zone include the SBU's August 2015 seizure of grenade launchers and small arms of various calibres in Transcarpathia.<sup>56</sup> An illustrative example of arms flowing into the ATO zone involves the seizure of a large batch of firearms, ammunition and explosives in a Kyiv hotel hosting volunteer battalions. The individuals occupying the hotel room in question explained that the seized weapons were supposed to go to the ATO zone.<sup>57</sup> It is unclear at this time if firearms follow the same routes as the well-documented cigarette, alcohol and fuel trade from the ATO zone to the rest of Ukraine.<sup>58</sup>

Illicit weapons movements occurring outside the ATO zone have also been documented. The cities of Odessa, Dnipropetrovsk, Kharkiv and Kyiv are important logistic hubs for criminal networks. Odessa in particular has been a haven for smugglers since the 1990s and has a vibrant market that finds itself positioned at the crossroads of Ukraine's illegal gun trade. Press reports suggest that repaired weapons<sup>59</sup> are accessible to the Odessa underworld. These weapons can come from outside the city, but are also modified by small-time gunsmiths<sup>60</sup> in Odessa itself. Police have even found custom-made firearms manufactured using machine tools.<sup>61</sup> Parts for sniper rifles and other items are easily transported through the city's postal system.<sup>62</sup>

## 4.2 Regional trafficking

At the regional level, wars in Eastern Europe have been an important source of illicit firearms in Ukraine during the last 25 years. In particular, the civil war in the adjacent Transnistria, conflicts in the former Yugoslavia, and two wars in Chechnya contributed to the establishment of regional networks of illicit trafficking and influxes of firearms originating from these war-torn subregions into Ukraine.<sup>63</sup> The small-scale movement of firearms in cars or on buses continues to be an issue for Ukraine's border service.<sup>64</sup> Further north, trafficking to Belarus via either Chernihiv oblast or Kyiv oblast remains an issue. Belarus saw a rise in firearm seizures in both 2015 and 2016. The issue was so serious that in April 2016 Belarus announced it had launched a 'special operation' to tackle the issue of arms coming in from Ukraine, but it is unclear what measures were taken and what the results of this operation were.<sup>65</sup>

## 4.3 Trafficking to and from the EU

Transnational firearms-trafficking routes into the EU are less understood than the transnational trafficking of drugs and people from Ukraine into the EU. Several hubs for the cross-border smuggling of all kinds of products to the EU, including firearms, can be identified. As mentioned earlier, Ukraine's port city of Odessa is a key hub in the so-called 'Black Sea Route' for the trafficking of cocaine and heroin<sup>66</sup> into the EU. Elements of the city's elite benefit financially from goods and services travelling through Odessa. Because of the political sensitivities around weapons trafficking, it is often difficult to pinpoint which elements of the city's criminal milieu are involved in the process.

The border between Ukraine and Poland remains a point of concern. The case of Grégoire Moutaux (see above) exemplifies how relatively easy it is to transport large amounts of goods across the border. In the video that the SBU released to the public, hidden cameras show a man purported to be Moutaux loading a van with box after box of weapons and explosives. When laid out for the cameras, the sheer volume of weapons that Moutaux was reportedly able to move in one shipment is thrown into stark relief.<sup>67</sup>

Straddling Ukraine and Poland lie Volyn and Lviv oblasts, both of which are known for their illicit networks. Volyn is known for its notorious ‘amber mafias’, which control the region’s lucrative – and violent<sup>68</sup> – amber trade. Amber is transported from Volyn to Poland primarily via land border crossings,<sup>69</sup> but also sometimes by air. In June 2016 the SBU seized an aircraft trafficking amber, cigarettes and weapons into Poland.<sup>70</sup> This confirms that some level of overlap exists between the trafficking of firearms, cigarettes and amber. It would not be surprising if local officials were tacitly involved. In December 2017 the SBU broke up a sophisticated human-trafficking operation in Volyn that had the backing of corrupt local officials.<sup>71</sup>

Further south lies the Ukrainian oblast of Lviv. The capital of the same name is notorious as a smuggling hub. Cigarette and drug trafficking are so prevalent there are even Polish-language guides for how to move drugs and cigarettes across the border.<sup>72</sup> The region has been documented as a smuggling and trafficking hub since at least the late 1990s.<sup>73</sup> Goods include cigarettes and a variety of other products that can be sold at a large markup in the EU. This incentivises sectors of society who would otherwise not associate themselves with the trafficking of goods to become involved, especially in times of economic hardship. According to a *Kyiv Post* report, there are at least six main border crossings between Lviv and Poland alone.<sup>74</sup> Press reports indicate that between 2013 and the 18 months following the outbreak of violence in Ukraine, firearm seizures at the Polish-Ukrainian border jumped from three to 53.<sup>75</sup> Whether the firearms were seized on the Ukrainian or Polish side of the border is unclear.

Little is known about firearms trafficking from Zakarpatska oblast, sometimes translated as the ‘Transcarpathia region’, which borders Slovakia, Hungary and Romania, and lies on the southern border of Lviv oblast. Isolated incidents such as the July 2014 seizure of a revolver from an individual crossing the Ukrainian-Hungarian border are recorded in the database,<sup>76</sup> but there is no evidence of the existence of systematic weapons-trafficking routes. Nevertheless, press reports suggest that from late 2016 local customs officials had been providing ‘*krisha*’ or official cover to smugglers in the region.<sup>77</sup> In 2017 large seizures of other products

such as amber were still occurring.<sup>78</sup> While indicative of the continued illicit trade, press reports do not indicate large numbers of weapons crossing the border.

## 5. Conclusion

Ukraine's illicit firearm's market can be characterised as a relatively accessible environment for individuals with the opportunity and willingness to participate in the market. While massive amounts of firearms are not available to every single individual, firearms in considerable quantities and variety remain fairly accessible through illicit circuits. Although several historical elements have contributed to the proliferation of firearms in Ukraine, criminal activities and the recent outbreaks of armed violence in the country have significantly increased the opportunities for illicit firearms trafficking. Arms leakages from the ATO in eastern Ukraine to the rest of the country have been documented and persist today. As the conflict there reaches a stasis and demand for weapons subsides, the risk of more weapons proliferating to central and western Ukraine increases. The presence of entrepreneurial networks of individuals and more structured but opaque criminal and conflict-related networks form the basis of this threat. Their activities are facilitated by endemic corruption at the regional and local levels.

The illicit proliferation of firearms observed in Ukraine also gives individuals with malign intentions access to these weapons and the possibility of smuggling them into the EU. As mentioned earlier, the number of weapons seizures on the Polish border jumped from three to 53 following the outbreak of hostilities in Ukraine. Although until now relatively few cases of cross-border arms trafficking have been documented, a consistent threat exists of small arms and light weapons proliferating from Ukraine in the future. This perception has been explicitly stressed by law enforcement officials from several EU member states during the Project SAFTE research process (see earlier chapters of this book). In addition to firearms, the weapons seized by Ukrainian authorities include everything from firearms to anti-tank weapons, heavy anti-personnel weapons and explosives. The potential availability of these weapons makes the threat of proliferation all the more conspicuous and relevant, especially in light of the increased terrorist threat in the EU.

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